



## JOINT PLANS PANEL

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Meeting to be held in MeetingLocation on  
Thursday, 14th July, 2016 at 9.30 am

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### MEMBERSHIP

#### Councillors

Councillor Javaid Akhtar  
Councillor Barry Anderson  
Councillor Salma Arif  
Councillor Jonathan Bentley  
Councillor David Blackburn  
Councillor Colin Campbell  
Councillor Brian Cleasby  
Councillor David Congreve  
Councillor Mick Coulson  
Councillor Catherine Dobson  
Councillor Robert Finnigan  
Councillor Al Garthwaite  
Councillor Ronald Grahame  
Councillor Caroline Gruen  
Councillor Peter Gruen  
Councillor Sharon Hamilton  
Councillor Julie Heselwood  
Councillor Asghar Khan

Councillor Graham Latty  
Councillor Thomas Leadley  
Councillor Richard Lewis  
Councillor Christine Macniven  
Councillor James McKenna  
Councillor Stuart McKenna  
Councillor Elizabeth Nash  
Councillor John Procter  
Councillor Rachael Procter  
Councillor Kevin Ritchie  
Councillor Brian Selby  
Councillor Alice Smart  
Councillor Christine Towler  
Councillor Fiona Venner  
Councillor Paul Wadsworth  
Councillor Neil Walshaw  
Councillor Gerald Wilkinson  
Councillor Rod Wood

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# A G E N D A

| Item No | Ward/Equal Opportunities | Item Not Open |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Page No |
|---------|--------------------------|---------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 1       |                          |               | <b>ELECTION OF THE CHAIR</b><br><br>To formally nominate the Chair for the meeting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |         |
| 2       |                          |               | <b>APPEALS AGAINST REFUSAL OF INSPECTION OF DOCUMENTS</b><br><br>To consider any appeals in accordance with Procedure Rule 15.2 of the Access to Information Procedure Rules (in the event of an Appeal the press and public will be excluded)<br><br>(*In accordance with Procedure Rule 15.2, written notice of an appeal must be received by the Head of Governance Services at least 24 hours before the meeting)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |         |
| 3       |                          |               | <b>EXEMPT INFORMATION - POSSIBLE EXCLUSION OF THE PRESS AND PUBLIC</b><br><br>1 To highlight reports or appendices which officers have identified as containing exempt information, and where officers consider that the public interest in maintaining the exemption outweighs the public interest in disclosing the information, for the reasons outlined in the report.<br><br>2 To consider whether or not to accept the officers recommendation in respect of the above information.<br><br>3 If so, to formally pass the following resolution:-<br><br><b>RESOLVED</b> – That the press and public be excluded from the meeting during consideration of those parts of the agenda designated as containing exempt information on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the press and public were present there would be disclosure to them of exempt information, as follows |         |

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| 4       |                          |               | <b>LATE ITEMS</b><br><br>To identify items which have been admitted to the agenda by the Chair for consideration<br><br>(The special circumstances shall be specified in the minutes)                                                            |         |
| 5       |                          |               | <b>DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS</b><br><br>To disclose or draw attention to any disclosable pecuniary interests for the purposes of Section 31 of the Localism Act 2011 and paragraphs 13-16 of the Members' Code of Conduct. |         |
| 6       |                          |               | <b>APOLOGIES FOR ABSENCE</b>                                                                                                                                                                                                                     |         |
| 7       |                          |               | <b>MINUTES OF THE MEETING HELD ON 28TH JANUARY 2016</b><br><br>To confirm as a correct record, the minutes of the meeting held on 28 <sup>th</sup> January 2016.                                                                                 | 1 - 6   |
| 8       |                          |               | <b>2015-16 PERFORMANCE REPORT</b><br><br>To receive and consider the attached report of the Chief Planning Officer.                                                                                                                              | 7 - 24  |
| 9       |                          |               | <b>MEMBER NOTIFICATION OF PLANNING APPLICATIONS</b><br><br>To receive and consider the attached report of the Chief Planning Officer.                                                                                                            | 25 - 34 |
| 10      |                          |               | <b>HOUSEHOLD PERMITTED DEVELOPMENT</b><br><br>To receive and consider the attached report of the Chief Planning Officer.                                                                                                                         | 35 - 88 |
| 11      |                          |               | <b>BUILDINGS AT RISK</b><br><br>To receive and consider the attached report of the Chief Planning Officer.                                                                                                                                       | 89 - 96 |

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| 12      |                          |               | <b>DATE AND TIME OF NEXT MEETING</b><br><br>The next meeting of the Joint Plans Panel will be Thursday 15 <sup>th</sup> December 2016, at 1.30pm. |         |
|         |                          |               |                                                                                                                                                   |         |

## **Joint Plans Panel**

**Thursday, 28th January, 2016**

**PRESENT:** Councillor N Walshaw in the Chair

Councillors J Akhtar, B Anderson,  
D Blackburn, A Castle, B Cleasby,  
R Finnigan, C Gruen, P Gruen, M Harland,  
J Heselwood, A Khan, G Latty, T Leadley,  
R Lewis, C Macniven, A McKenna,  
J McKenna, S McKenna, K Ritchie,  
B Selby, E Taylor, C Towler, P Wadsworth  
and R Wood

### **13 Election of the Chair**

**RESOLVED** – That Councillor N Walshaw be elected as Chair of the meeting.

### **14 Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors J Bentley, C Campbell, D Congreve, M Coulson, R Grahame, S Hamilton, M Ingham, E Nash, J Procter, R Procter, A Smart, C Towler and G Wilkinson.

### **15 Minutes of Meeting held on 16 July 2015**

**RESOLVED** – That the minutes of the meeting held on 16 July 2015 be confirmed as a correct record subject to the inclusion of Councillor E Taylor's apologies for absence.

### **16 Matters arising from the Minutes**

Members were given a verbal update following the introduction of the Community Infrastructure Levy (CIL). It was reported that there had been a slow start in receiving CIL payments and that many current developments were still under Section 106 agreements. Monies would be distributed through Community Committees, Town and Parish Council and Neighbourhood forums.

With regard to viability and the impact on schemes, updates would be included in committee reports when sums were known. There had been discussions with the other West Yorkshire Authorities and the Planning Advisory Service regarding methodology for viability appraisals. Reference was also made to optional standards and how they could be linked to viability. A Development Planning Document was to be produced which would give further guidance on these issues.

### **17 Planning Services Performance Report**

Minutes to be approved at the next meeting of the Joint Plans Panel

The report of the Chief Planning Officer presented performance information in relation to Quarters 1 to 3, 2015/16 where it was available.

The following issues were highlighted from the report:

- It was reported that there had been a slight increase in the number of applications than the previous year; however there had been a significant improvement in performance in terms of determination of applications in time.
- Planning Services was currently operating within budget.
- Pre-applications were working very well.
- There were currently over 750 live applications including 106 major applications. Leeds had a higher proportion of majors compared to other core cities.
- Decision making at Plans Panels. Members were informed of the number of decisions made by Panels and of officer recommendations that had been overturned. It was felt that the number of officer recommendations overturned was appropriate. With regard to the increase in regularity of City Plans Panel meetings, Members indicated that they would prefer to see current arrangements remain and cancel meetings should there not be any business to consider.
- Enforcement – Members were informed of formal enforcement action which had been taken which is higher than many other authorities..
- Staffing – Members were informed about a number of staff who were leaving the service shortly. These include Steve Speak, Deputy Chief Planning Officer; Martin Sellens, Head of Planning Services and Margaret Horton, Head of Customer Services who are all retiring at the end of March. Members were informed of the development of public engagement in the planning process during Margaret's employment and expressed their thanks with a round of applause. Thanks were also expressed to Martin and Steve for their contributions to Planning in Leeds.

In response to Members comments and questions, the following was discussed:

- Tribute was paid to all staff across Planning Services for the continued improvement in performance.
- The success of pre-applications in the planning process.
- Charges and income – Members were informed of the charges made for pre application advice..
- Members welcomed decisive enforcement action and use of enforcement powers but expressed some concern regarding retrospective enforcement action.
- Planning applications over 6 months that had not had a decision made – it was reported that most of these had agreed extensions of time and some were awaiting decisions because of a number of other reasons eg the New Generation Transport scheme.
- To Let Boards – it was reported that proactive monitoring and enforcement in relation to To Let Boards was due to recommence in Hyde Park and Headingley. Members expressed a view that they would like this to be considered in other areas.

## **RESOLVED –**

- (1) That the report be noted.
- (2) That a further performance report be received in six months time.

### **18 Travel Plans in the Planning Process in Leeds**

The report of the Transport Development Services Manager presented the following:

- The current position regarding travel plan policy, purpose and approach in Leeds.
- Information on the Metrocard Developer scheme operated by the West Yorkshire Combined Authority.
- Proposals for an alternative approach to the promotion of travel plan measures in Leeds, especially in residential schemes which would need to be agreed with the West Yorkshire Combined Authority.
- How travel plans were contributing to changing travel behaviour and sustainable development.

In response to Members comments and questions, the following was discussed:

- What kind of scheme would be the most appropriate? – Suggestions included travel cards, car clubs and supporting electric powered vehicles.
- Trying to ensure employment for local people – whilst this could not be made a requirement under the planning process, local employment along with other factors such as home working and work travel outside peak hour were considerations.
- Metrocards – there were ongoing discussions to amend the scheme so that cards could be used by more than one member of a household. Concern that the Metrocard scheme was not giving value for money in areas where there was little public transport provision was expressed.
- Concern regarding the viability of the under use of the bus service provided following development of the Clariant site. It was recognised that this was currently under used but the service would require continued funding to ascertain whether the service would be viable and sustainable when the development was more built up.
- Development of a travel plan for Aireborough – it was felt that this was required due to the increase in housebuilding in an area that was not high in employment opportunities.
- Members were informed that should the revised approach to travel planning be endorsed, further thought would need to be given to how the changes would be implemented, how it would fit within the Community Infrastructure Levy and how to ensure off site contributions could be used effectively.

## **RESOLVED –**

- (1) That the report be noted.
- (2) That the revised approach to Travel Plan promotion in Leeds regarding a pot approach to travel pan promotions be endorsed.

## **19 Public Speaking Protocol**

The report of the Chief Planning Officer referred to the provision made for public speaking on planning applications at Plans Panels. Following a meeting of the Joint Member Officer Working Group in December 2015 a number of changes to the protocol had been recommended.

Main proposed changes to the protocol included the following:

- Increasing the time allowed for speakers on planning applications from 3 minutes to 4 minutes.
- Reducing the time for speakers on pre-applications to 10 minutes.
- Allowing public speaking on position statements.
- Allowing public speaking on all items where members were being asked to make a decision ( eg enforcement actions) but excluding appeals against non determination.

Further discussion included the following:

- Community Committee representations – these could be made by Elected Members as part of the public speaking arrangements or could be made in writing to be included in reports to Plans Panels
- Members welcomed the proposal to allow members of the public to speak on position statements.
- The role of the Chair in exercising discretion to allow speaking in a fair and reasonable manner.
- It was proposed that the revisions to the policy take effect from March 2016.

**RESOLVED** – That the report be noted and the revisions to the Protocol for Public Speaking be endorsed.

## **20 Housing and Planning Bill Update**

The report of the Chief Planning Officer informed Members of the progress of and the main measures outlined in the Housing and Planning Bill.

Issues highlighted from the report included the following:

- The Bill was currently progressing through the House of Lords and was due a further reading before it progressed to the Royal Assent stage..
- New Homes in England – Starter Homes and Self Build/Custom Housebuilding
- Planning in England and various measures being introduced
- Additional measures for the Secretary of State to intervene in the planning process.

- An amendment to the bill which could allow planning applications to be processed by other authorities and potentially the private sector. It was suggested that these designated people may be enabled to charge higher fees for a fast track service and there was a concern that this would reduce the democratic approach to planning.
- The use of a mediator in settling Section 106 agreements and the potential for exemption from affordable housing provision.

Members expressed concern regarding some of the proposals outlined in the Planning Bill particularly the potential for developers to be exempt from affordable housing and the impact it would have on the provision of social housing.

**RESOLVED** – That the report be noted.

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### Report of Chief Planning Officer

### Report to Joint Plans Panel

**Date: 6 July 2016**

**Subject: End of year performance report for 2015-16**

|                                                                                                                                              |                              |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s):                                                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration?                                                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?                                                                                                        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

### Summary of main issues

1. In the reporting period April 2015 to March 2016, application numbers submitted overall were up slightly from those submitted in 2014-15. Over 4,300 decisions were made on applications over the year.
2. Performances on the statutory timescale for determining applications has continued to improve this year. The performance on determination of major applications is particularly noteworthy, with almost 97% of major applications being determined in the agreed timescale.
3. Service improvements continue to be made: the implementation of the actions identified through the Arup review, a workshop with the top submitting householder agents to improve the quality of submissions and service delivery, the retention of the Customer Services Excellence award and electronic working with Parish and Town Councils.
4. It has nevertheless been a challenging year, balancing workloads and the available resources within a changing planning environment, brought about by the Governments planning reform agenda and pick up in the economy.

### Recommendation

5. Members are asked to note the report, comment as they feel appropriate and to receive a further performance report in six months time.

## **1 Purpose of this report**

- 1.1 At the last Joint Plans Panel meeting on 28 January 2016, members received and noted a performance report for planning services for quarters 1 to 3, covering the period April to December 2015. It was resolved that the Joint Plans Panel would receive a year end performance report for 2015-16 at its next meeting.
- 1.2 This report is presented for information and comment.

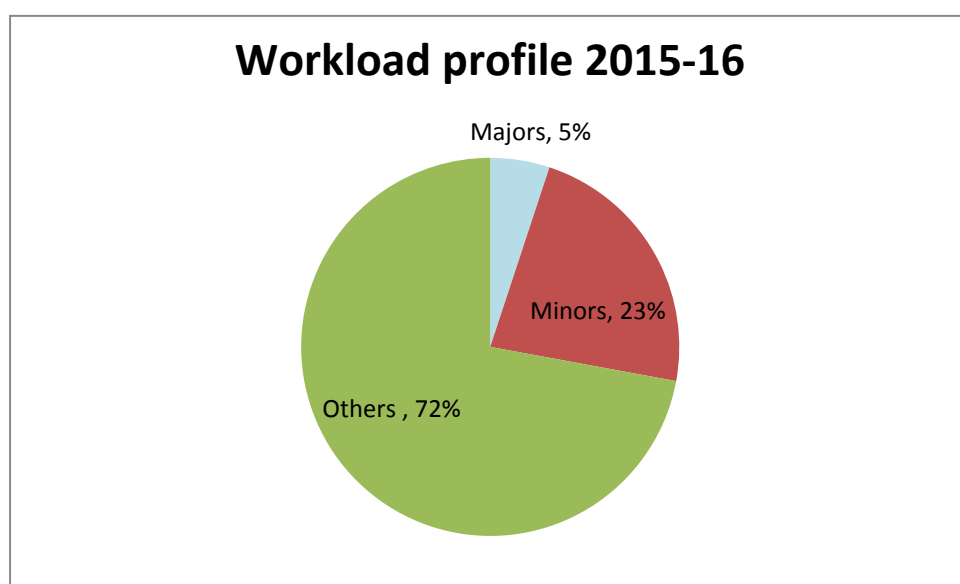
## **2 Background information**

- 2.1 In the reporting period, application numbers submitted overall were up slightly from 4,511 in 2014-15 to 4,692 in 2015-16 a 4% increase, with 4,384 decisions being made in 2015-16.
- 2.2 In 2015-16 the service continued to deal with a significant workload, whilst progressing with a number of large and strategically important planning applications. There has been significant activity with major projects being progressed across the city in the past year. The last year has been marked by sites being brought forward for development on both brownfield and greenfield sites.
- 2.3 The number of planning applications received in 2015-16 increased in comparison with those received in 2014-15 and performance against government time targets for determining applications has improved significantly across all categories in comparison with the previous year. It is particularly important to hit time targets with the government's planning guarantee whereby out of time majors over 26 weeks old are liable for their fee to be returned if there is not an agreement in place to continue the period of time before a decision is made.
- 2.4 The service uses several measures to assess the quality of decision making: lost appeals, number of complaints and upheld complaints. Performance in these areas compares well with last year and there were two local settlements on Ombudsman complaints. There are also fewer appealed decisions in 2015-16 compared with 2014-15 and there are more appeals being dismissed by the Planning Inspectorate in 15-16, compared with 14-15.
- 2.5 The service has an ongoing commitment to service improvement and a number of activities have taken place throughout the year to ensure the decision making process is robust and accountable and customer service is integral to the organisation.

### 3 Main issues

#### 3.1 Planning performance and workload

- 3.1.1 In 2015-16, April 2015 to March 2016, there were 4,692 applications received by the local planning authority (LPA) a 4% increase from the previous year. This is the fourth successive year to see a gradual increase in the numbers of applications submitted.
- 3.1.2 The number of major applications received increased slightly this year to 238 compared with 232 in 2014-15. Major applications represent around 5% of the total current workload of the service. Nationally, local planning authority's workloads comprise around 3% of majors, so Leeds receives a greater number of larger applications than the national average. The workload profile in 2015-16 is demonstrated in the pie chart below:



- 3.1.3 There were 4,384 decisions made between April 2015 to March 2016, this is an increase of 6% from the previous year where 4,119 decisions were made. Most decisions are made by officers under the delegation scheme and in 2015-16, 97.8% of all decisions on applications were made by officers, this compares with 96% delegation in 2014-15.
- 3.1.4 The government sets national performance targets for decision making on planning applications as follows:
- 60% of major applications determined within 13 weeks
  - 65% of minor applications determined within 8 weeks
  - 80% of other applications determined within 8 weeks
- 3.1.5 The method of calculating the number of applications deemed to be in time changed under the provisions of The Growth and Infrastructure Act. Applications are counted as being in time if they meet the statutory

determination timescales for different categories of applications or where an extension of time agreement is in place. An extension of time agreement needs to be agreed by both the applicant and local planning authority and can be a useful tool for project managing larger and more complex applications, in order to ensure greater certainty of timescales. Extensions of time agreements were brought in in 2014-15 and the table below shows performance over the last few years, including the financial year 2015-16.

|         | % Majors in time | % Minors in time | % Other in time |
|---------|------------------|------------------|-----------------|
| 2015-16 | 96.6%            | 90.6%            | 93.5%           |
| 2014-15 | 88.7             | 85.1             | 91.8            |
| 2013-14 | 73.3             | 70.3             | 83.3            |
| 2012-13 | 61.3             | 77.4             | 88.9            |

- 3.1.6 Clearly, there has been a significant improvement in performance of applications determined in time across all categories of applications. Overall 93% of the total application workload is determined within agreed timescales. The latest national figures covering the period January to March 2016<sup>1</sup> showed that LPAs had decided 82% of major applications in 13 weeks or the agreed time. Therefore not only is Leeds performance continuing to improve, it is also significantly above the national average determination rate.
- 3.1.7 The planning guarantee was brought in through The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) (Amendment) Regulations 2013 and is now operational and means that any application over six months old after 1 April 2013, where there is no extension of time agreement, can have the planning fee refunded. Since 1st October 2013 when fee returns became liable, a total of £14,399 has been refunded, £8,280 of this was refunded between April 2015 and March 2016 and relates to four schemes. Whilst this is a relatively small amount, officers have been instructed to try to negotiate extension of time agreements for those applications reaching six months old, wherever possible, to mitigate the risk of returning the fees.
- 3.1.8 Planning fees in the year totalled £3,402,670, a reduction of £52K compared with the previous year and £44,700 below the set budget. The review of the pre-application service in February 2015 resulted in the removal of the free services previously provided and in 2015-16 £181K income was generated, compared with around £74K in 2014-15. A Highways recharge for their input into the pre-application work amounted to £35K.

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<sup>1</sup> Department of Communities and Local Government, Planning applications January to March 2016 Statistical Release, 16 June 2016

### 3.2 Comparison with Core Cities

3.2.1 The table below shows the performance of the Core Cities for 2015-16.

|            | % Applications Determined in time |       |       |
|------------|-----------------------------------|-------|-------|
|            | Major                             | Minor | Other |
| Birmingham | 90%                               | 81%   | 92%   |
| Bristol    | 87%                               | 83%   | 88%   |
| Cardiff    | 27%                               | 73%   | 66%   |
| Leeds      | 96%                               | 91%   | 94%   |
| Liverpool  | 66%                               | 56%   | 61%   |
| Manchester | 82%                               | 80%   | 84%   |
| Newcastle  | 88%                               | 74%   | 81%   |
| Nottingham | 92%                               | 88%   | 87%   |
| Sheffield  | 90%                               | 80%   | 88%   |

3.2.2 From the table it can be seen that Leeds is performing very well, with the highest performance across all categories of applications in comparison with the Core Cities.

3.2.3 The table below shows the level of pre-application activity in the Core Cities and the amount of income generated. These discretionary fees are becoming an increasingly important part of the overall planning fee income, however LPAs are only allowed to cover costs, not make any profit from the service.

|            | Numbers received    | Income           |
|------------|---------------------|------------------|
| Birmingham | 1424 (702 paid for) | £79,712          |
| Bristol    | 414                 | £118,768         |
| Cardiff    | 183                 | £108,130         |
| Leeds      | 803                 | £194,610 (gross) |
| Liverpool  | 233                 | £117,660         |
| Manchester | Do not record       | No Charge        |
| Newcastle  | 363                 | £102,175         |
| Nottingham | 391                 | £47,892          |
| Sheffield  | 601                 | £219,462         |

### 3.3 Permitted development

3.3.1 Following the publication of the Development Management Procedure Order and GPDO in April 2015 further changes to permitted development rights came into force on 6th April 2016 making office to residential a permanent right and allowing laundrettes and light industrial to be converted to residential with a prior approval process.

3.3.2 During 2015-16, 226 decisions were made on larger single storey rear extensions of which 202 were PD (no objections from neighbours), eight were approved and 16 refused. Only one of the refusals resulted in an

appeal which was allowed. In terms of office to residential conversions, 31 decisions were made on 31 prior approvals in the year of which 28 were approved and three refused. The biggest schemes approved included 127 flats at Headingley Office Park (three blocks), 65 flats at Zicon House, Wade Lane, 60 flats at 5-7 New York Road and 36 flats at Bramley Shopping Centre.

- 3.3.3 Fourteen decisions on change of use from agricultural to dwellings under the PD rules were made – three required a planning application, four were approved and seven refused

### 3.4 **Panel decision making and decisions not in accordance with the officer recommendation**

- 3.4.1 In 2015- 16, the three Plans Panels considered 197 items at 37 meetings and decided 127 applications. Four decisions were contrary to officer recommendation, two at North and East Panel and two at South and West Panel; this is the lowest level it has been in recent years. Of those decisions two have led to appeals-one where the decision is not yet known and one where the appeal was allowed. The public inquiry White Bear at Tingley was dismissed.
- 3.4.2 The reduction in the number of decisions contrary to officer recommendation in 2015-16 is an improvement from the position last year where 14 decisions were contrary to officer recommendation. The table below shows progress over a number of years:

| Year    | Decisions | Overturns<br>(%<br>overturns) | Appeals<br>Against<br>Refusal | Dismissed | Allowed | Costs<br>awarded |
|---------|-----------|-------------------------------|-------------------------------|-----------|---------|------------------|
| 2015-16 | 127       | 4 (3%)                        | 2                             | 0         | 1       | 0                |
| 2014-15 | 191       | 14 (7%)                       | 9                             | 4         | 5       | 0                |
| 2013-14 | 136       | 7 (5%)                        | 0                             | 0         | 0       | 0                |
| 2012-13 | 127       | 8 (6%)                        | 3                             | 0         | 3       | 2                |
| 2011-12 | 171       | 11 (6%)                       | 5                             | 1         | 4       | 0                |

### 3.5 **Appeals**

- 3.5.1 The table below shows that performance on the number of appeals dismissed has improved in the period April 2015 to March 2016 compared with the previous year. A continuous review of appeal decisions takes place

to ensure that any common themes are highlighted and measures put in place to mitigate the risk of appeals occurring on similar grounds. However, there is a careful balance to be made between refusing an application with the risk of a subsequent appeal and maintaining design quality, without being unreasonable.

| Year    | Appealed Decisions | Dismissed | Costs awarded against Council | Costs awarded to Council |
|---------|--------------------|-----------|-------------------------------|--------------------------|
| 2015-16 | 231                | 74.1%     | 3 partial, 1 full             | 1 partial, 1 full        |
| 2014-15 | 237                | 66%       | 5                             | 0                        |
| 2013-14 | 251                | 71%       | 4                             | 0                        |
| 2012-13 | 187                | 67%       | 3                             | 0                        |
| 2011-12 | 254                | 69%       | 7                             | 2                        |

- 3.5.2 In 2014-15 the main area of concern was householder appeals where out of 110 appeal decisions, 40% were allowed; performance in this area in 15-16 has considerably improved where out of 104 householder appeal decisions 24.5% were allowed; 71 were dismissed and ten split decisions.
- 3.5.3 In financial year 2015-16 appeal costs of just over £12,500 have been paid. The Council has gained two cost awards; one settled at £385, the other following the withdrawal from a public inquiry is still under negotiation, but the latest offer from the appellant to settle is £37,500.
- 3.5.4 There have just been two Public Inquiries during 2015-16 – the PAS Housing appeal at Bradford Road, East Ardsley where the result is awaited and the MacDonalds appeal at the White Bear, Tingley where the appeal was dismissed. 2016-17 promises to be much busier as the PAS housing appeals at Bramhope and Collingham have taken place in April, there is a further PAS housing appeal for Kippax in July and Kirklees Knoll will reopen again (third inquiry) later in the year. Major Inquiries for a student scheme at Victoria Road, Headingley and a locally contentious community facility at the Ice Pak site in Beeston are also in the pipeline. The decision for the PAS housing application at Grove Road, Boston Spa is currently with Ministers.

### 3.6 Major projects

- 3.6.1 The significant building activity on major projects has continued in the past year. Substantial numbers of both brownfield and greenfield sites are under construction now resulting in increased housing delivery and activity in many other sectors.
- 3.6.2 Phase 1 of the Victoria Gate development to bring a landmark John Lewis store to the city is progressing well on site and will open later in 2016. Construction has started on an extension to the White Rose Centre to include the extension of two existing stores and a multiplex cinema including an Imax screen. The new retail units in Kirkstall centre on the former BHS/ Alders site opened in the past year as did the new rail station at Apperley Bridge. The new rail station at Kirkstall Forge is due to open shortly with construction under way on the first phase on the site for commercial offices.

- 3.6.3 The City Council has invested in the refurbishment and redevelopment of Little London, Beeston Hill / Holbeck estates and that work is now well advanced and nearing completion. Council housing has also been delivered in the year and a number of schemes are in the pipeline for delivery at various stages including a scheme for the elderly in Yeadon. Private sector sites at Otley Hospital, Daisy Hill, Morley and Otter Island are close to completion. Private sector housing is also under construction on brownfield and greenfield sites including some PAS sites that were brought forward to assist housing delivery eg Cookridge Hospital; High Royds; Optare site in Crossgates; Clariant / Riverside Mills at Horsforth / Rodley; Bodington, Adel; Royds Lane, Wortley; Asket Drive, Seacroft; Garnetts, Otley; Royds Lane, Rothwell; Fleet Lane, Oulton, and Owlars Farm, Morley. Within the City Centre the Dandara site in Holbeck for a large private rented apartment scheme has been given permission and is just getting under way with Low Fold on the East Bank expected to start this summer.
- 3.6.4 The second office building at Sovereign Street is under construction with the new public space. Further commercial developments at MEPC on Whitehall Road, Central Square (to include a winter garden) , Queen Street and Bond Court are at various stages of construction. The winter garden at Central square will be an added attraction and is at an advanced stage.
- 3.6.5 Within the main office core there has been significant construction to improve existing buildings to improve the quality of accommodation on offer, with new hotels under construction on Greek Street and Portland Place. Major office refurbishment schemes are on site at Merrion House and City House.
- 3.6.6 Downings are well advanced on a final phase of student accommodation close to the Civic Hall and a new student hall of residence is emerging at Trinity University in Horsforth. The new University Laidlaw Library is complete and is winning design awards. Work has started on the second former printing hall for the Leeds City College at Alf Cooke works and construction is well advanced for the Ruth Gorse Academy and the UTC as a growing education quarter emerges on the South Bank.
- 3.6.7 Outline planning approval has been granted in principle for the master planning at Quarry Hill and discussions are continuing on the second phase of Eastgate / Harewood, the refurbishment of the Yorkshire Playhouse and the relocation of Leeds City College to new build premises at Quarry Hill. – there are likely to be major schemes coming forward in detail in the coming year across the city. There are also significant proposals under discussion for Yorkshire Post site / City Reach in the West End of the City Centre and there are pre app proposals for significant tower blocks on several sites around the city centre.
- 3.6.8 Retail stores for Aldi and Lidl continue to be planned and built as they continue to expand – proposals for Garforth and Chapel Allerton are being progressed at present.

- 3.6.9 In the last year the Energy for Waste scheme at Cross Green and the five turbine wind farm at Micklefield commenced operation.

### 3.7 Compliance activity

- 3.7.1 The number of enforcement cases received 2015-16 has remained at the 2014-15 level. As such the workload through the service remains substantial with a significant number of complex cases being investigated. However, the number of cases on hand has been reduced overall to under 1000 which has been a long standing service objective. This is a key step in improving the overall handling of cases as it will ultimately assist in reducing officer caseloads as staffing issues are addressed.
- 3.7.2 The restructure of the compliance service has recently been completed and the final member of staff to be appointed started work in the spring. There are still some long standing staff absences to be addressed and it is hoped that further progress on service improvements, including the consultation and adoption of the local enforcement plan will move forward during the next reporting period.

|                                                           | Q1          | Q2          | Q3          | Q4          | Total          |
|-----------------------------------------------------------|-------------|-------------|-------------|-------------|----------------|
| No of cases received                                      | 320         | 334         | 293         | 307         | 1254           |
| No of cases resolved                                      | 351         | 412         | 271         | 353         | 1387           |
| Initial site visits                                       |             |             |             |             |                |
| Category 1: Site visit same day/within 1 day. Target 100% | 100%        | 100%        | 100%        | 100%        | 100%           |
| Category 2: Site visit within 2 working days. Target 95%  | 100%        | 93%         | 100%        | 100%        | 98.25%         |
| Category 3: Site visit within 10 working days Target 90%  | 86%<br>95%* | 87%<br>98%* | 84%<br>96%* | 84%<br>91%* | 85.25%<br>90%* |

\* Figures for site visits undertaken within 20 working days in accordance with amended temporary target. See below.

### 3.7.3 Cases received and resolved and performance in undertaking initial site visits

- 3.7.4 Performance in undertaking initial site visits has been maintained with a revised target of 20 days for category 3 visits. This revised target has been in place throughout the reporting period due to the resource and staff absence experienced by the service.
- 3.7.5 In relation to the Category 1 and 2 cases the figures relate to a relatively small number of cases. For example there were 43 category 2 cases during

the reporting period and only 1 of those cases missed the 2 day target and this is reflected in the figures.

- 3.7.6 The overall number of open cases on hand has been reduced and currently stands at 953.

**3.7.7 Outcomes of case resolved**

- 3.7.8 The number of complaints investigated that that are found to either involve no breach of planning control or are minor infringements remains over the period at approximately 54%. This has gradually reduced from a figure of 60% in 2010/11. This can possibly be accounted for by the increased rigour in examining cases as they come into the service. Where there is clearly no breach of planning control, cases have not been opened and complainants advised that the matter will not be investigated and the reason why. The remaining 45% of cases which have been closed involve significant breaches which have been resolved to the satisfaction of the Council through negotiations, granting planning permission or formal enforcement action. Ward Member meetings have continued during the year. Invitations are sent out with the bi monthly key cases list which continues to be sent to both ward members and parish councils with updates on priority cases within each ward.

|                                                                        |     |
|------------------------------------------------------------------------|-----|
| No Breach*                                                             | 40% |
| Resolved by negotiation                                                | 28% |
| Breach but de minimis/ not expedient                                   | 14% |
| Planning permission/ CLU granted/ appeal allowed                       | 13% |
| Enforcement/other Notices complied with/resolved by prosecution action | 5%  |

\*Includes matters that are "permitted development"; where no development or material change of use is involved; matters that were time exempt from enforcement action on investigation; or where approved plans and conditions have been found to have been complied with.

**3.7.9 Enforcement and other Notices**

- 3.7.10 A total of 88 enforcement and other notices have been served during the year. This is a continuation of activity levels of previous years. There have been three temporary stop notices served during the period in relation to both unauthorised building works that were continuing on site and not considered acceptable or likely to gain planning permission and development being undertaken that was potentially damaging to protected trees. We continue to take more formal action than all the other core cities by some distance reflecting the importance Members place in Leeds on the service.
- 3.7.11 In the period there have been 23 appeal decisions in relation to formal notices. Of these four (17.5%) have been allowed and eighteen (78.5%) have been dismissed and one (4%) has had a split decision. There has been one public inquiry in relation to land at Thorpe Lane for the change of use of agricultural land to JCB storage which was dismissed following the

inquiry and the enforcement notice to cease the use of the land is now in effect with a requirement to comply in the near future.

- 3.7.12 The compliance service continues to draft and issue its own notices with input from legal officers only on the more complex cases. This is continually monitored and whilst it does carry some risk, the resource savings in doing this are significant. It does however place increased pressure on case officers in progressing cases within the service and requires additional on-going training.

**3.7.13 Prosecution Outcomes and outstanding cases**

- 3.7.14 A small number of cases have been brought or are being brought before the courts for non-compliance with enforcement and other notices. These have been in relation to illegal tree works, car sales and non-compliance with enforcement notices for unauthorised building and fencing works. Two have resulted in successful prosecutions with modest fines and costs awarded. However, despite a successful prosecution in relation to one site the breach remains unresolved and a further prosecution or other court action needs to be considered. A number of cases have been sent letters before action and this threat of court action can be effective in securing compliance with notices and remedying the breach in advance of preparing formal papers for the courts.

**3.7.15 Proactive Initiatives**

**3.7.16 City Centre long Stay Car Parks**

- 3.7.17 Work continues to monitor and control unauthorised long stay car parks within the city centre although a review of the commuter car parking policy is now required following the granting of temporary permission for a number of car parks under the interim policy. Regular monitoring is undertaken of all car parks collaboratively with officers in parking services and action taken when required.

**3.7.18 Headingley / Hyde Park To Let Boards**

- 3.7.19 The Direction in relation to the Display of To Let Boards was finally reconfirmed in November 2015 and came into effect on the 1st December 2015 and runs until 1st December 2020. Proactive monitoring and enforcement of the Direction and the adopted code of practice to control the display of To Let Boards in parts of Headingley /Hyde Park is taking place to control the proliferation of display boards in identified problem areas. Areas that are not within the area but are reporting similar problems are being encouraged to adopt a voluntary code with landlords and letting agents to reduce the amount of display boards. Whilst the initiative in the code area is successful it is very resource hungry with regular surveys , particularly during the board free month. Follow up letters and actions are also very time consuming and need to be balanced against other work streams.

**3.7.20 Derelict and Nuisance Sites**

- 3.7.21 The compliance service continues to play a key role on the Derelict and Nuisance site initiative which is a cross department initiative to help secure improvements to sites in a poor state which have proved difficult to bring forward by one single action. A number of notices have been served together with actions from Building Control and other services. Improvements have been secured, in many cases without a large capital spend through coordinated action. A regular working group agrees actions and work continues with a rolling budget to secure improvements to the most problematic sites.

### **3.8 Staffing**

- 3.8.1 During the year a total of five people have left from Planning Services; two from the Area Teams, two in Customer Services and one in Enforcement. Of the five, four left to go to alternative jobs and one retired. The enforcement restructure has been completed with an appointment made from Environmental Health. At the end of March the Minerals Team joined Planning Services from Sustainable Development Unit and in April 2016, the new Minerals team leader was appointed.
- 3.8.2 The service also has a new Head of Development Management, with a temporary, acting up appointment being made from May 2016 for six months.

### **3.9 Complaints**

- 3.9.1 The service received 22 Ombudsman cases last year compared to 12 the previous year. Seventeen were received closed or, after preliminary investigation required no further action. Five cases required a written response from the service compared to three last year. One case was subsequently closed finding no maladministration. In four cases there was evidence of maladministration with two cases causing an injustice leading a financial settlement. The learning points from these cases have been cascaded to all Development Management planning officers and a change to the processing of applications has subsequently been made.
- 3.9.2 During the year, 125 complaints were dealt with, a similar level to 2014 -15. 14% of complaints were upheld, the same percentage as in 2014-15. Overall this represents good progress in a service where we are dealing with high volumes of applications and customers.
- 3.9.3 80 compliments were received in the year, significantly more than last year (31).

## **4 Service improvements**

### **4.1 E-planning**

- 4.1.1 Following the changes to the pre-application enquiry service there have been a number of enhancements to the back office system including

building in prompts for officers to ensure customers are contacted and receive a response within the published timescales.

- 4.1.2 There has been testing of the new Public Access system which offers better functionality, improved mapping and the ability to view larger documents and this is due to go live in June 2016

#### **4.2 Household agents conference**

- 4.2.1 As part of the proactive work with customers to improve the planning process in Leeds, a household agents' conference was held in October 2015. The top fifty agents (in terms of numbers submitted) were invited to the conference. Topics for discussion included reducing the number of invalid applications, use of the Planning Portal for more efficient submissions, permitted development changes and ensuring high quality design. Additionally there were round table discussions on what customers and the LPA can do to make the planning process more effective and deliver high quality outcomes.
- 4.2.2 The conference was well attended and feedback has been very positive. From the session an action plan is now being delivered to address the highlighted issues.
- 4.2.3 It is anticipated that this will become an annual event, providing ongoing dialogue with the agents who submit these types of applications.

#### **4.3 Parish and Town Council electronic working**

- 4.3.1 The local planning authority has a statutory requirement to notify Parish and Town Councils (PTC) of new applications in their area. In the past the service has gone beyond what is statutorily required by sending large format hard copy plans and application forms, by first class post to PTC. This has been provided at no charge to PTC, although the true cost in terms of staff time, printing and postage has been significant.
- 4.3.2 Following the annual review of the planning supplement to the Council's Charter in 2015, the service recommended to move to electronic working. This would mean that instead of the service sending hard copy plans and documents, PTC would receive an email notification of new applications, with a link to the application on Public Access. The move to electronic working has the benefit of speed, currency and ease of communicating about schemes; it also generates operational and financial efficiencies for the service.
- 4.3.3 Some concerns about this move were expressed by the PTC and therefore a working group with representatives from the PTC was established to work through the issues. The working group recommended a solution where small applications would be notified electronically, but plans and applications forms for major and minor applications would still be sent in hardcopy, but in a reduced format- A3 and A4. It was agreed to run this process as a pilot.

- 4.3.4 In January 2016, the pilot was reviewed and the PTC were consulted through an email survey. Many PTC indicated there were few problems, others indicated there were issues about printing their own large format plans. However, the review concluded that the service should move to full electronic working. The service hosted a conference with the PTC in early April 2016 and demonstrated Public Access and shared the rationale of the move to electronic working. The new notification process will commence in July 2016 and the service will monitor its implementation.

#### **4.4 Pre-application review**

- 4.4.1 Following the implementation of the new pre-application changes in February 2015, it was agreed that a review would be conducted after six months operation. This took place over the summer of 2015 and comprised analysis of the volumetric data and wide scale consultation with customers who had used the new service and with council officers and internal consultees.
- 4.4.2 The outcome of the review resulted in a number of changes making the pre-application process more efficient by providing greater clarity of the service and timescales and also the removal of the free services. Better communication and interaction with applicants was also required and a commitment to improve the content on the Council's website allowing customers to self-serve more easily by providing the relevant information for applicants, if they choose not to pay for a pre-application enquiry. These recommendations were agreed by the Executive Board member and Plans Panel Chairs and have been in place since 1 January 2016. Pre-application fees are becoming an increasingly valuable income stream and the service will continue to monitor and periodically review the pre-application enquiry service.

#### **4.5 CSE reaccreditation**

- 4.5.1 The customer services section within planning services has been the holder of the Customer Services Excellence standard (CSE) since 2009. This is a national government standard awarded to organisations which demonstrate that they are a customer centric organisation. The scope was broadened to include the wider planning service and the whole service was awarded CSE in 2014. CSE is not a one-off activity as the standard has been designed to drive continual improvement.
- 4.5.2 In March 2016, the service was reassessed against two categories of the standard and was re-awarded the CSE standard with no non-compliances. The service will continue to be externally assessed on an annual basis.

#### **4.6 Web refresh**

- 4.6.1 Following consultation with customers, elected members and officers, about the content on the planning webpages on the Leeds City Council website, a refresh of the pages is now in progress. The service is working closely with

the corporate web team to ensure that the content is organised and arranged in the most effective way possible.

- 4.6.2 There will be further testing work with focus groups prior to going live, to ensure the content is easily understandable and accessible.

#### **4.7 Audit of planning decisions**

- 4.7.1 Internal Audit undertook a review of the processes and systems in place for undertaking planning decisions in February 2016. The scope of the review was to obtain assurance that there was a robust system in place to ensure decisions in respect of planning applications were taken promptly and in accordance with all relevant legislation and guidance and that appropriate levels of income are collected and recorded. The audit concluded that Substantial Assurances were provided for both the control environment and compliance.

### **5 Challenges Ahead**

#### **5.1 Planning reform**

- 5.1.1 The reform of the planning system at national level continues apace and the Housing and Planning Bill was enacted on 13 May 2016. The Council responded to the technical consultation in April expressing concern about starter homes, permission in principle / technical development consents and the introduction of competition into the processing of planning applications. The full implications of the new Act will be seen over time, but of particular concern is the starter home provisions where LPAs will be required to have regard to the provision of starter homes in determining planning applications. Starter homes are defined as new dwellings to be sold at a discount of at least 20% of market value and are available to first time buyers between the ages of 23 and 40 years of age. These changes are likely to reduce the delivery of traditional forms of affordable housing. The act also largely removes the requirement for affordable housing/ contributions from small sites (of 10 units for less or less than 1000 metres squared). The details will be published in regulations in due course.
- 5.1.2 The other area of challenge going forward are the provisions in the Act to introduce competition in the processing of planning applications. However, the Act makes it clear that the planning authority will still be responsible for the determination of planning applications. These changes have met with concern from local authorities and further regulations will set out the details. Time will tell whether this impacts on the processing of the remaining applications by local authorities and their budgets.

### **6 Corporate Considerations**

#### **6.1 Consultation and Engagement**

- 6.1.3 This report is presented for information and there has not been the need for wide consultation.

## **6.2 Equality and Diversity / Cohesion and Integration**

6.2.1 There are no specific equality considerations arising from this report.

## **6.3 Council policies and City Priorities**

6.3.1 The effective and expedient determination of planning applications contributes to the overall prosperity of the City and plays a key part in the regeneration and growth agenda. The service makes a key contribution to the delivery of housing growth, a priority in the Best Council Plan and one of the Breakthrough projects.

## **6.4 Resources and value for money**

6.4.1 There are no specific implications arising from this report. However, measures are being taken to ensure that the service is delivered within the present financial climate and close monitoring occurs of the budget.

## **6.5 Legal Implications, Access to Information and Call In**

6.5.1 There are no specific legal implications and this report does not relate to a key or major decision.

## **6.6 Risk Management**

6.6.1 There are a number of risks associated with the decision making process which are both financial and reputational. Measures, processes and future service improvements outlined in the report seek to minimise the risk of challenge.

# **7 Conclusions**

7.1 This year has seen a further significant improvement in performance in determination times on all types of applications, particularly major applications. Across all application types 93% of all applications were determined in time. Emphasis will continue to be placed on the efficient and expeditious determination of majors, use of Planning Performance Agreements and extensions of time agreements when it is clear that applications cannot be determined in the statutory timeframe.

7.2 Application numbers received in 2015-16 again increased for the fourth successive year, however the service saw the reduction in its staffing establishment again in the year with the service losing staff, including two senior managers. A close watch will be kept to ensure that there are sufficient resources to maintain the quality and speed of service necessary.

7.3 The service continues to move ahead with a number of service improvements and enhancements and focus will remain working with customers to provide an efficient planning service, whilst realising financial and operational efficiencies.

- 7.4 It is anticipated that the following year will bring new challenges; particularly once the new regulations have been published arising from the Housing and Planning Act. However, the direction of travel and objectives are clear in terms of transforming how we work, maintaining and improving performance levels and continuing to improve services to customers.

## **8 Recommendations**

- 8.1 Members are asked to note the report and comment as they feel appropriate and to receive a further performance report in six months time.

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Report author: Helen Cerroti  
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## Report of Chief Planning Officer

### Report to Joint Plans Panel

**Date: 6 July 2016**

### **Subject: Member notification of planning application via Public Access**

|                                                                                                                                              |                              |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s):                                                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration?                                                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?                                                                                                        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

### Summary of main issues

1. The officer member communication protocol was adopted in 2013 and set out the way officers should communicate and involve ward members in planning applications.
2. Some of the provisions in that protocol are now out of date and internal processes and technology has moved on. It is therefore timely to review the protocol and this was undertaken by the Joint Member Officer Working Group (JMOWG) in March 2016.
3. JMOWG initially looked at the provisions in the protocol for notification and other communication to members about appeals and planning applications. Currently officers send out a range of bespoke emails to members about planning applications and appeals.
4. JMOWG agreed that Public Access should be the main way for the dissemination of information about planning applications and appeals, as the system can automatically inform members about such matters in their Ward area. This requires an initial set up but then requires no on-going staff intervention.
5. This report is presented for information and describes the channel shift to Public Access as the main source of information for members for the dissemination and notification of planning applications and appeals.

### 6. Recommendations

Members are recommended to note the report and comment as appropriate.

## **1 Purpose of this report**

- 1.1 The Officer Member Communication Protocol has been in place since 2013 and it is timely now to review the protocol due to some information being out of date and systems and processes moving forward since then.
- 1.2 The provisions relating to member notification of appeals and planning applications have been reviewed first. This has been undertaken in the spirit of finding the most efficient and practical way of facilitating member involvement and effective communication, but also in the context of diminishing resources, the need to make operational efficiencies and advances in the systems available.
- 1.3 This report describes the first phase of the review of the protocol undertaken by the Joint Member Officer Working Group (JMOWG), a cross party group comprising the Plans Panel Chairs, Development Plans Panel Chair and the Executive Board Member for Regeneration, Transport and Planning in March 2016 and the consequential channel shift to Public Access as the mechanism for disseminating planning and appeals information.

## **2 Background information**

- 2.1 The Officer Member Communications Protocol was agreed by the Joint Plans Panel in November 2013. This document is almost three years old and some of the provisions described in the document are now out of date, including the Government's commitment in the Localism Act to make it a mandatory requirement for developers to undertake pre-application engagement for schemes meeting certain size thresholds. Therefore it is timely to review practices and the protocol itself.
- 2.2 The objectives of the review were to update the protocol so it reflects the functionality of current systems and to find more effective ways of communicating with ward members about planning applications and appeals. A key feature was to ensure that there was no adverse impact on the timeliness and quality of the information members received, within a context of diminishing resources, increasing officer capacity and expeditious decision making.

## **3 Main issues**

- 3.1 The adopted Officer- Member Communications Protocol sets the framework for officers to follow in relation to member involvement and communication. The protocol ensures that ward members are informed, communicated with and have the opportunity to be actively involved through the life of a planning proposal within their area. This is especially important for those members who have no direct involvement with the plans panels. However, there is a need to give regard to the available resources and for timely decision making. This is particularly pertinent in the current financial climate of realising budget savings, limited staff resource and the need to generate efficiencies.
- 3.2 Currently, members receive bespoke information from officers about planning applications and appeals including:

- Major and sensitive applications
  - Pre-applications
  - Appeals received
  - Appeal decisions
- 3.3 The communications received by ward members are usually personalised to some extent and therefore there is a resource implication to producing and sending out bespoke communications. All of the information relating to appeals and formal applications is available online through Public Access (the planning register that contains historical records for planning applications and the new applications received and going through the planning process and appeals). Details of pre-applications can also be sent out automatically via the back office system.
- 3.4 The review conducted by the JMOWG agreed to a channel shift, meaning all members should use Public Access for their information needs. Using Public Access, members can self –serve to find information on an ad hoc basis or after registering and setting up “saved searches” to receive regular updates. Members would be sent a maximum of a daily email, with details of whatever information they have requested to receive from the system and could include:
- All applications in their ward
  - Specific types of applications in their ward- eg just household, just major applications etc
  - Appeals in their ward- new ones and decisions made
- 3.5 Additionally there is a function on Public Access whereby members can track particular applications in which they have an interest through the determination and decision stages. A number of Ward Members have been using Public Access for some of years and this is their main way of receiving information about new applications in their ward and the channel shift will bring a consistent approach to the dissemination of information.
- 3.6 There are a number of benefits of moving to the automated system- it’s cost effective-Public Access notification will remove a number of tasks currently undertaken by officers and instead be replaced by a timely automatic communication; it reduces human error of officers forgetting or omitting applications and there is no time delay. It also allows members at a glance to see the progress of individual applications, meaning they can be better informed of the position of an application at any given time.
- 3.7 The move to using Public Access is entirely in accordance with the way the Council wishes the people of Leeds to access services- channel shifting to electronic delivery. An example of this is from 1 July hard copy plans and documents have stopped being sent to the Parish and Town Councils and instead they will be notified electronically via Public Access. Additionally, planning officers no longer receive the same amount of information in hard copy as the service moves toward “paperless” working; one area team has been paperless since October 2015 and the definitive planning file is now the electronic record.

- 3.8 An upgrade to Public Access has taken place in June 2016, which has improved its functionality especially on searching, mapping and has a new online measuring facility. The user manual has been updated and a new quick guide is now available through a link on Public Access itself. Therefore, the Council has an effective and efficient system for the dissemination of information about planning applications and appeals.
- 3.9 In order for this channel shift to take place, members can either register themselves on Public Access and set up their desired searches, or the Group Support office staff have agreed to assist members in registering their accounts on Public Access and to set up “saved searches”. It is recommended that this takes place over the summer and that the sole way of disseminating information about planning applications and appeals via Public Access commences 1 October 2016.
- 3.10 The revised Officer Member Communication Protocol is attached as appendix 1, showing the proposed changes.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 The review of the Officer Member Communications Protocol was undertaken with the JMOWG, as cross party group comprising the three Plans Panel Chairs, Development Plan Panel Chair and the Executive Board Member.

### **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no adverse impacts on equality and diversity and cohesion and integration.

### **4.3 Council policies and City Priorities**

- 4.3.1 This move is in accordance with the Best Council Plan 2015-20; council value-*Spending Money Wisely* and breakthrough project *Becoming a more efficient and enterprising council*.

### **4.4 Resources and value for money**

- 4.4.1 The use of Public Access as the sole mechanism for dissemination of planning and appeal information will create officer capacity by automating a service which is currently undertaken by individual officers and will generate operational efficiencies.

### **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 There are no legal implications.

### **4.6 Risk Management**

- 4.6.1 There have been no risks identified.

## **5 Conclusions**

- 5.1 Public Access is the planning register for Leeds City Council and the main way members of the public and others access planning and appeal information. However, a dual system currently exists whereby bespoke emails and other communications about planning applications and appeals are being produced for members. This is a duplication of effort and is wasteful in terms of not maximising the benefits of Public Access and in officer time to undertake this task.
- 5.2 The removal of a duplicate staff heavy process will yield operational efficiencies without reducing the service to members. Services to members can then be further concentrated on those areas which add value to the overall planning process- including member briefings, workshops and so on, rather than maintaining an unnecessary administrative burden.
- 5.3 Members, once registered, with support from their Group Officers, as appropriate, can receive information which is tailored to their needs. The channel shift to electronic delivery of information and access of services is entirely in accordance with the overall Council vision to use of ICT more effectively to generate efficiencies whilst still maintaining high quality services. The sole way for the dissemination of planning and appeal information will be via Public Access from 1 October 2016.
- 5.4 Further work will be undertaken on other areas of the protocol, which may result in technical changes to the protocol which will be considered by the Joint Officer Member Working Group in due course.

## **6 Recommendations**

- 6.1 Members are recommended to note the report and comment as appropriate.

## **7 Background documents<sup>1</sup>**

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<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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### Officer-Ward Member Communication Protocol

#### 1 Introduction

- 1.1 Successful planning and development involves timely decision-making and the involvement of local communities and their elected members in the process of framing key planning decisions. As a result of the neighbourhood planning process many communities are already forming ideas to influence the future development of their communities, Section 106 agreements and CIL monies and therefore have an important role in the shaping of new planning proposals and especially the larger and more sensitive planning applications.
- 1.2 ~~The Government has signalled very clearly the importance it places on pre-application involvement. The Localism Act 2011 includes a formal requirement for applicants to undertake pre-application engagement on development over a certain size. However, we do not have the detail and it is not a mandatory requirement yet. The National Planning Policy Framework (NPPF) states that applicants will be expected to work closely with those directly affected by their proposal, to evolve designs that take account of the views of the community.~~
- 1.3 A guide on pre-application engagement of members and communities for developers has ~~recently~~ been produced which makes clear the Council's expectations of that early engagement. Ward members are integral to the pre-application process and should be involved throughout the life of an application, responding to the proposal and the proposed Section 106 agreement, as appropriate.
- 1.4 This protocol, therefore, is intended to provide a framework for all officers to follow, whilst allowing flexibility to reflect local circumstances, and sets out the basis on which officers should engage with ward members. It will ensure that ward members are informed, communicated with and have the opportunity to be actively involved throughout the life of planning proposals and applications in their area. This is especially important for those members who have no direct involvement with plans panels. ~~It builds on existing best practice, emerging neighbourhood planning process, new Area Committee aligned planning officer arrangements and discussions arising from the review of the plans panels in 2012.~~
- 1.5 Whilst community and ward member involvement is crucial for the shaping of proposals that best fit the aspirations of local communities, there is the need to give regard to the available resources, for timely decision making and the need to deliver schemes which are strategically important to the City. There is a careful balance to be struck between a members' role in being democratically accountable to their electors and to the wider public on whose behalf they act.

#### 2 Ward member communication principles

- 2.1 ~~A named officer within the area teams has responsibility for New arrangements within Planning Services gives responsibility for liaising with each Area Committee~~

~~area to a named planning officer. This planning officer will be responsible for~~ setting up communication arrangements with ward members within their area to ensure that ward members are informed of and have an opportunity to be involved in development proposals within their ward. On occasions it may be necessary to inform a neighbouring ward about a proposal where it is likely there will be significant impacts, for example retail and traffic.

- 2.2 Members may have preferences as to how they wish to be communicated with, at what stage and what frequency. In the first instance, the named planning officer will contact the ward members to see how this can best be facilitated. Again, this will need to be managed within existing resources and be mindful of the necessity for timely decision making.
- 2.3 Members ~~should~~~~will be~~ registered on Public Access to ensure they receive information on the applications ~~and appeals~~ in their ward and can track progress of those applications ~~and appeals~~ as appropriate.
- 2.4 Wherever possible any regular meetings should be scheduled in advance, with an agreed agenda, to allow an efficient and productive meeting to take place. All meetings must be manageable within existing resources.

### **3 Pre-application stage**

- 3.1 The Government considers that pre-application discussions are of significant benefit in assisting in the identification of planning issues and requirements at the earliest practical stage and help shape the proposal so they best meet local needs. Ward member engagement is essential in this process. Leeds City Council expects pre-application consultations to have taken place, proportionate to the size, scale and impact of a scheme and has produced a good practice guide for developers, which should be considered at the pre-application stage.
- 3.2 The NPPF states: applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of a new development should be looked on more favourably.
- 3.3 Pre-application engagement is not mandatory. Therefore, a developer may choose to engage at the pre-application stage or can submit an application without any initial discussion. They could also decide not to take forward an application following a discussion.
- 3.4 The service receives many speculative pre-application enquiries, often with little detail and many of them do not lead to a formal application. In the first instance, or where there are issues of commercial confidentiality (demonstrated by the developer), officers will initially meet with developers/ applicants. Ward members will be informed that an approach has been made and be invited to further meetings.
- 3.5 The level of involvement may vary, depending on the scale and sensitivity of the proposal. On the largest of schemes, such as East Leeds Extension, Thorp Arch, Kirkstall Forge, it may be appropriate to set up community and ward member

consultative arrangements; on other schemes, regular contact with ward members, with officers present will take place.

- 3.6 Where meetings are required, planning officers will make the arrangements and send out meeting invitations to all ward members within that ward, or where appropriate, a nominated planning member, giving sufficient notice wherever possible.
- 3.7 Brief notes will be kept of all meetings and circulated, to safeguard the interests of all parties and to reduce the risk of future challenge.
- 3.8 Additionally, there will be technical meetings, for example around transport assessments which need to take place to ensure there is timely delivery of decisions. Officers will keep ward members informed of the progress of applications.
- 3.9 Officers will keep members informed about progress of pre-application proposals and inform members of draft heads of terms of Section 106 agreements (where they are available), key dates such as pre-application presentations at the plans panels, as appropriate, likely formal submission date and any planning performance agreements.

#### **4 Notification of new major and significant development proposals**

- 4.1 ~~Planning officers will send an email to ward members detailing all new major or sensitive schemes in the affected ward(s) along with details of the draft heads of terms, (where they are submitted). Additionally, members will receive by email information of all new applications detailed on Public Access, allowing members to identify any further applications in which they have an interest.~~
- 4.1 Planning officers will check the boundaries of the development and where the proposed development is close to a ward boundary or likely to have significant impacts on adjoining wards, the appropriate ward members will be informed.
- 4.2 In some wards, officers are already meeting with ward members on a regular basis to receive briefings on major and other significant or sensitive planning applications in their area. In areas where this is not already set up, members will be offered such briefings; this could be via email or a meeting. Where members have expressed an interest in an application, members will be invited to comment, by a given date. It is important that members respond within the stated deadline to allow for the expeditious and efficient progress of an application.
- 4.3 Where a meeting is requested, the planning officer will set up a meeting on a ward by ward basis and all members from that ward will be invited to attend. A single meeting where all ward members are invited makes best use of the available resources. Individual members may still request special briefings.

#### **5 On-going involvement of ward members**

- 5.1 For larger and more complex applications it may be appropriate to establish a series of meetings between ward members, developers and officers to discuss key

concerns so that regular updates are provided to all parties. This should be agreed on a case by case basis and will be arranged by the planning officer.

5.2 Use of the three phase process for large and strategic applications at the plans panels- pre-application presentation, position statement and final determination may also be used to further involve and update ward members. Speaking provisions at the pre-application stage, position statement and final determination stage gives an opportunity for ward members to address the plans panel to communicate any issues they may have.

5.3 The view of ward members on the draft heads of terms on Section 106 agreements will be reported to the plans panel as part of the decision making process.

~~6 Upon determination, members will be informed by email of the decision on major or sensitive schemes.~~

## **6 Establishment of Consultative Committees for strategically significant applications**

6.1 Major development proposals can benefit from regular contact between developers, members and community organisations through the establishment of appropriate community consultative forums. A consultative forum may help to identify key issues and alert communities to proposals, so they have opportunity to input from the earliest stage.

6.2 The establishment of a community consultative forum is not a mandatory requirement, but is established good practice on strategically important applications, such as Kirkstall Forge, East Leeds Extension and Thorp Arch, where the size, scale, complexity and impact of proposals is significant. Ward members, plans panel Chairs and Executive Board Member for Neighbourhoods, Planning and Support Services will agree the remit, form and membership of the forum.

## **7 Post application**

7.1 Ward members should be informed when major or sensitive schemes are about to start on site.

~~7.2 Ward members should be informed if there are appeals on major or sensitive applications.~~

7.2 Other matters post application can be important to local communities and should take into account prior engagement and issues raised previously, as to whether further engagement is needed.

## **8 Review**

8.1 These arrangements will be monitored and reviewed in ~~June 2014.~~ June 2017.



Report author: Helen Cerroti  
Tel: 0113 3952111

## Report of Chief Planning Officer

## Report to Joint Plans Panel

**Date: 14 July 2016**

**Subject: Permitted development rights for householders- technical guidance**

|                                                                                                                                              |                              |                             |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|-----------------------------|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s):                                                                   | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration?                                                              | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Is the decision eligible for Call-In?                                                                                                        | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| Does the report contain confidential or exempt information?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

## Summary of main issues

1. New guidance aimed at householders has been produced by the Government, which is intended to help home owners to understand more about the detailed rules on permitted development and the terms used in those rules.
2. The guidance covers all classifications of development, such as extensions, conversions, additional buildings, external alterations, hard landscaping/surfaces, etc.
3. This report brings the guidance to members attention, as a valuable source of information.

## Recommendations

4. Members are recommended to note the report.

## **1 Purpose of this report**

- 1.1 This report is to alert members to the new technical guidance on permitted development rights for householders which was published in April 2016.

## **2 Background information**

- 2.1 Permitted development rights are rights to carry out development to land on the basis that planning permission is deemed to have been granted, thereby avoiding the need to make a planning application to the Local Authority prior to commencing work. The Government over the last few years has changed the permitted development rules on a number of types of developments, including householder developments. The rules relating to householder extensions can be particularly complex for customers to understand.
- 2.2 The DCLG has now published 50 pages of technical guidance on permitted development rights for householders.

## **3 Main issues**

- 3.1 In April 2016, DCLG published guidance *Permitted Development Rights for Householders- Technical Guidance*. There are no changes introduced to the rights as described in Planning Practice Guidance, but the document sets out many diagrammatic examples and whether or not they fall within one of the classes of permitted development and make the examples (and the underlying rights) easier to understand.
- 3.2 In particular, it provides more details on the limits (for example on size) and the conditions that will need to be complied with if development is to take place without the need for an application.
- 3.3 The DCLG says the guidance is designed to be used by anyone who wants to understand more about the detailed rules on permitted development, and it could work as a handy reference for design consultants and well as house holders.
- 3.4 The guidance covers in detail Classes A-E of Part 1 of the rules, covering common development projects such as extensions, loft conversions, alterations to a roof, porches, and buildings on land surrounding the house.
- 3.5 The planning pages on the Leeds City Council website are undergoing a review and this document will be a useful link on the planning pages in the *do I need planning permissions* section, better enabling customers to self-serve, should they wish to.
- 3.6 The guide is attached for information.

## **4 Corporate Considerations**

### **4.1 Consultation and Engagement**

- 4.1.1 This report is presented for information

## **4.2 Equality and Diversity / Cohesion and Integration**

- 4.2.1 There are no Equality and Diversity / Cohesion and Integration issues.

## **4.3 Council policies and City Priorities**

- 4.3.1 The effective and expedient determination of planning applications contributes to the overall prosperity of the City and plays a key part in the regeneration and growth agenda.

## **4.4 Resources and value for money**

- 4.4.1 The new technical guidance will be signposted on the Leeds City Council website, enabling members of the public to self-serve more easily.

## **4.5 Legal Implications, Access to Information and Call In**

- 4.5.1 No identified issues.

## **4.6 Risk Management**

- 4.6.1 There are no risks identified in this report.

## **5 Conclusions**

- 5.1 The new technical guidance has been produced to help homeowners understand how they can exercise their rights to carry out development, while protecting the interests of their neighbours and the wider environment. It is designed to be used by anyone who wants to understand more about the detailed rules on householder permitted development and the terms used in those rules.

## **6 Recommendations**

- 6.1 Members are recommended to note the report.

## **7 Background documents<sup>1</sup>**

- 7.1

---

<sup>1</sup> The background documents listed in this section are available for inspection on request for a period of four years following the date of the relevant meeting. Accordingly this list does not include documents containing exempt or confidential information, or any published works. Requests to inspect any background documents should be submitted to the report author.

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Department for  
Communities and  
Local Government

# Permitted development rights for householders

Technical Guidance



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# Introduction

Permitted development rights allow householders to improve and extend their homes without the need to apply for planning permission where that would be out of proportion with the impact of works carried out. Larger single storey rear extensions are subject to a neighbour consultation scheme (see page 18). It is important that homeowners understand how they can exercise their rights to carry out development while protecting the interests of their neighbours and the wider environment. The Department for Communities and Local Government has produced this technical guidance to help them. It is designed to be used by anyone who wants to understand more about the detailed rules on permitted development and the terms used in those rules. However, anyone who has no previous knowledge of permitted development issues will find it useful to look at the Planning Practice Guidance first at:

<http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/>.

The guidance set out below gives an explanation of the rules on permitted development for householders, what these mean and how they should be applied in particular sets of circumstances. Diagrams have been included for illustrative purposes only and these are not drawn to scale. Given the very substantial variations in the design of individual houses, this guide cannot cover all possible situations that may arise. Where there is any doubt as to whether a development would be permitted development, advice should be sought from the local planning authority. To be certain that a proposed development is lawful and does not require an application for planning permission it is possible to apply for a 'Lawful Development Certificate' from the local authority. Further information on this can be found in the Planning Practice Guidance at:

<http://planningguidance.communities.gov.uk/blog/guidance/lawful-development-certificates/>.

Permitted development rights do not remove requirements for permissions or consents under other regimes such as the building regulations<sup>1</sup> and the Party Wall Act<sup>2</sup>.

Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the Order") as amended by the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2016<sup>3</sup>. Part 1 of Schedule 2 to the Order sets out the permitted development rules concerning what enlargements, improvements, alterations and other additions a householder may make to their house and the area around it without the need for an application for planning permission. These rights do not apply to houses created through the permitted development rights to change use, set out in Classes M, N, P, PA<sup>4</sup>, and Q of Part 3 of Schedule 2 to the Order, from shops, premises offering financial and professional

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<sup>1</sup> Information on building regulations can be found at <https://www.gov.uk/building-regulations-approval/when-you-need-approval>

<sup>2</sup> Guidance on the Party Wall etc. Act 1996 can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>

<sup>3</sup> The Order and subsequent amendment can be found at: <http://www.legislation.gov.uk/uksi/2015/596> and <http://www.legislation.gov.uk/uksi/2016/332/made>

<sup>4</sup> Class PA allows change of use from light industrial use to a dwellinghouse from 1 October 2017 to 30 September 2020

services, betting shops, pay day loan shops, amusement arcades, casinos, launderettes, premises offering storage or distribution services, light industrial premises and agricultural buildings; or any houses which are flats. In these cases planning permission should be sought.

# General issues

Some of the terms used are defined in the Order. These include:

*“Article 2(3) land”* - this includes land within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area, and land within World Heritage Sites.

*“Building”* - includes any part of a building and includes any structure or erection, but does not include mechanical plant or machinery or gates, fences, walls, or other means of enclosure.

*“Dwellinghouse”* - does not include buildings containing one or more flats or a single flat contained within a building. *(Note, however, that for the purposes of this guidance, the word “house” is used rather than “dwellinghouse” except where quoting the legislation directly.)*

*“Existing”* - means a building as it existed immediately before the permitted development (for example a house extension) is undertaken. *The existing house will include previous development to the house, whether undertaken as permitted development or as development resulting from a planning permission from the local authority.*

*“Height”* - references to height (for example, the heights of the eaves on a house extension) is the height measured from ground level. (Note, ground level is the surface of the ground immediately adjacent to the building in question, and would not include any addition laid on top of the ground such as decking. Where ground level is not uniform (for example if the ground is sloping), then the ground level is the highest part of the surface of the ground next to the building.)

*“Highway”* – is a public right of way such as a public road, public footpath and bridleway. For the purposes of the Order it also includes unadopted streets or private ways.

*“Original”* - means a building as it existed on 1 July 1948 where it was built before that date, and as it was built if built after that date.

*“Raised”* - in relation to a platform means a platform with a height greater than 0.3 metres.

*“Terrace house”* - means a dwellinghouse situated in a row of 3 or more dwellinghouses used or designed for use as single dwellings, where

- (a) it shares a party wall with, or has a main wall adjoining the main wall of, the dwellinghouse on either side or
- (b) if it is at the end of a row, it shares a party wall with or has a main wall adjoining the main wall of a dwellinghouse which fulfils the requirements of sub-paragraph (a).

*“Unadopted street”* – means a street not being a highway maintainable at the public expense within the meaning of the Highways Act 1980.

Some terms used in this guidance are not defined in the Order but are understood as follows:

*“Curtilage”* - is land which forms part and parcel with the house. Usually it is the area of land within which the house sits, or to which it is attached, such as the garden, but for some houses, especially in the case of properties with large grounds, it may be a smaller area.

*“Enlarged part of the house”* - is the part(s) of a dwellinghouse comprising any enlargements of the original house, whether built under permitted development rights or following any application for planning permission, and whether the enlargement is undertaken on a single occasion or added incrementally.

*“Principal elevation”* – in most cases the principal elevation will be that part of the house which fronts (directly or at an angle) the main highway serving the house (the main highway will be the one that sets the postcode for the house concerned). It will usually contain the main architectural features such as main bay windows or a porch serving the main entrance to the house. Usually, but not exclusively, the principal elevation will be what is understood to be the front of the house.

There will only be one principal elevation on a house. Where there are two elevations which may have the character of a principal elevation, for example on a corner plot, a view will need to be taken as to which of these forms the principal elevation.

## The structure of the rules on permitted development

The rules on permitted development, set out in Schedule 2 of the Order, are sub-divided into a series of Parts. Part 1 specifically deals with development within the curtilage of a house. Part 1 is then sub-divided into Classes covering various types of development:

**Class A** covers the enlargement, improvement or alterations to a house such as rear or side extensions as well as general alterations such as new windows and doors. From 30 May 2013 to 30 May 2019 a neighbour consultation scheme for larger rear extensions under Class A is required.

**Class B** covers additions or alterations to roofs which enlarge the house such as loft conversions involving dormer windows.

**Class C** covers other alterations to roofs such as re-roofing or the installation of roof lights/windows.

**Class D** covers the erection of a porch outside an external door.

**Class E** covers the provision of buildings and other development within the curtilage of the house.

**Class F** covers the provision of hard surfaces within the curtilage of the house such as driveways.

**Class G** covers the installation, alteration, or replacement of a chimney, flue or soil and vent pipe.

**Class H** covers the installation, alteration, or replacement of microwave antenna such as satellite dishes.

There are also other Parts of the rules that may be relevant to householders. For example Part 2 covers matters such as erection or construction of gates, fences and walls, exterior painting, charging points for electric vehicles and CCTVs. Part 14 covers the installation of domestic microgeneration equipment such as solar panels.

When considering whether a development proposal is permitted development, all of the relevant Parts of the rules and all the Classes within those Parts need to be taken into account. For example Part 1 Class A prevents the installation, alteration or replacement of a chimney, flue or soil and vent pipe from being permitted development because these works are specifically provided for in Class G subject to the rules set out under that Class. Similarly, changes to the roof of a house are not permitted development under Class A, but may be permitted development under Class B or C.

In order to be permitted development, a proposal must meet all the limitations and conditions under each Class relevant to the proposal. It is therefore essential that any proposed household development is considered in the context of the permitted development rules as a whole in order to determine whether it benefits from permitted development rights and therefore does not require an application for planning permission.

For example, where a proposed two storey extension at the rear of a house has a roof that joins onto the main roof of the original house, the works will need to meet the requirements of both Class A (which covers the enlargement of the house) and Class C (which covers any alterations to the roof) in order to be permitted development. If the works also include the creation of a dormer window to enlarge the roof space, either in the extension or the original roof space, then they would also need to meet the requirements of Class B.

## **Further restrictions on permitted development**

It is important to note that a local planning authority is allowed to remove permitted development rights in some or all of its area by issuing what is known as an Article 4 Direction; or may have removed those rights on the original, or any subsequent, planning permission for the house. Where permitted development rights have been removed in either of these ways a planning application will be needed for development. Before undertaking any development, checks should be undertaken with the local planning authority to determine whether any such restrictions on permitted development have been made.

The remainder of this guidance provides further explanation about the detailed rules covering what improvements can be made to a house and its surroundings as permitted development. In particular, it provides more details on the limits (for example on size) and the conditions that will need to be complied with if development is to take place without the need for an application for planning permission. The guidance covers in detail Classes A-E of Part 1 of the rules which cover common development projects such as extensions, loft conversions, alterations to a roof, porches, and buildings on land surrounding the house. The rules for Classes F-H are included in this document for reference but detailed guidance on them is not included, although cross-references are included to other guidance published by the Department for Communities and Local Government.

# Class A – enlargement, improvement or alteration

This provides permitted development rights for the enlargement, improvement or other alteration of a house.

Under Class A the following limits and conditions apply:

## **A.1 Development is not permitted by Class A if –**

- (a) ***permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)***

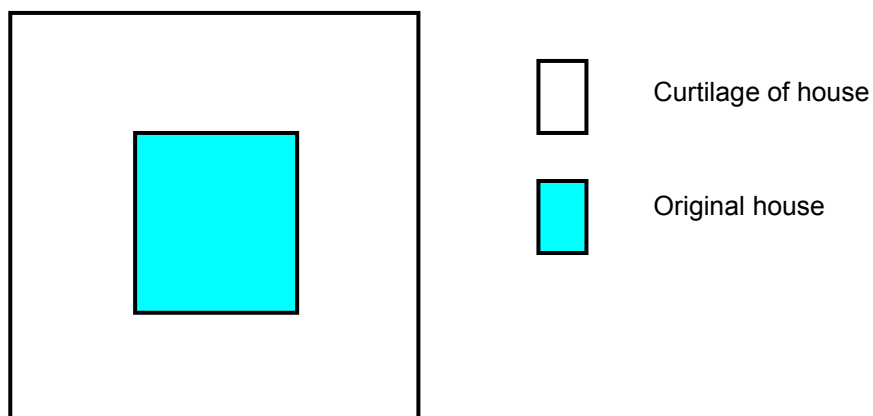
Enlargement etc. is not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- (b) ***as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)***

Extensions (including any extensions to the original house under Class A or under a separate planning permission) and other buildings must not exceed 50% of the curtilage.

The 50% limit covers all buildings so will include existing and proposed outbuildings as well as any existing or proposed new extensions to a house. It will exclude the area covered by the original house but will include any later extensions or any separate detached buildings, even where they were built prior to 1948, or if the house was built after that date, built when the house itself was built (for example a detached garage or garden shed).

In the diagram below, the maximum area that can be built on as permitted development, whether as an extension to the house or outbuildings erected under Class E, would be 50% of the white area.



***(c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse***

Any enlargement, improvement, or alteration to a house must not exceed the height of the highest part of the roof of the existing house. If it does, an application for planning permission will be required.

The highest part of the roof of the existing house will be the height of the ridge line of the main roof (even though there may be other ridge lines at a lower level) or the height of the highest roof where roofs on a building are flat.

Chimneys, firewalls, parapet walls and other protrusions above the main roof ridge line should not be taken into account when considering the height of the highest part of the roof of the existing house.

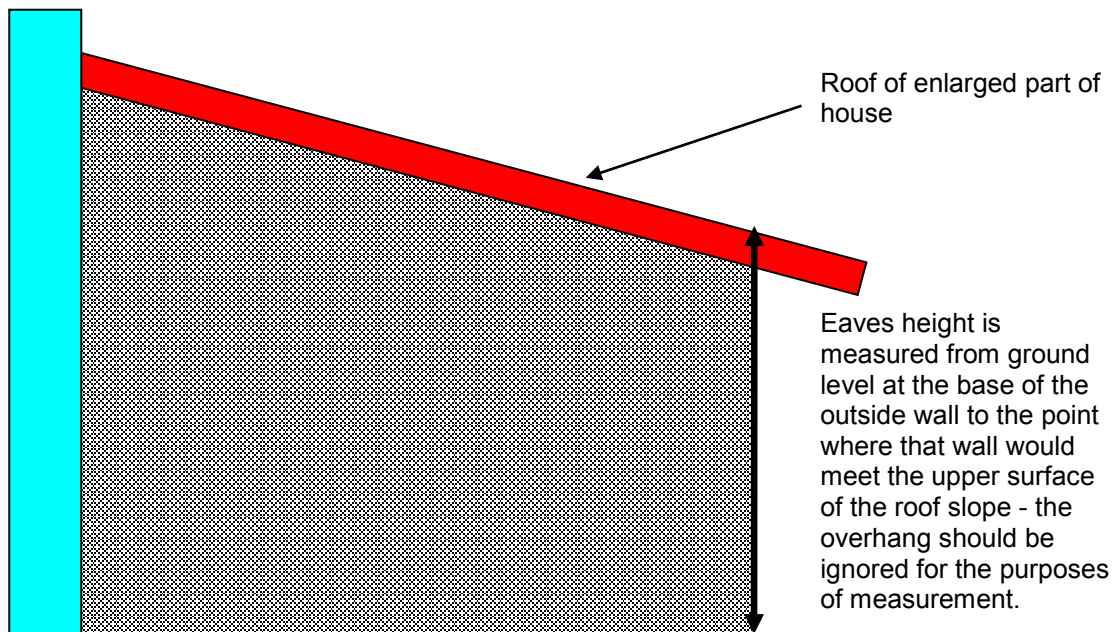
However, when calculating the height of the part of the house enlarged, this measurement should be at the highest part of the enlargement and may include any protrusions above the roof such as parapet walls etc.

***(d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse***

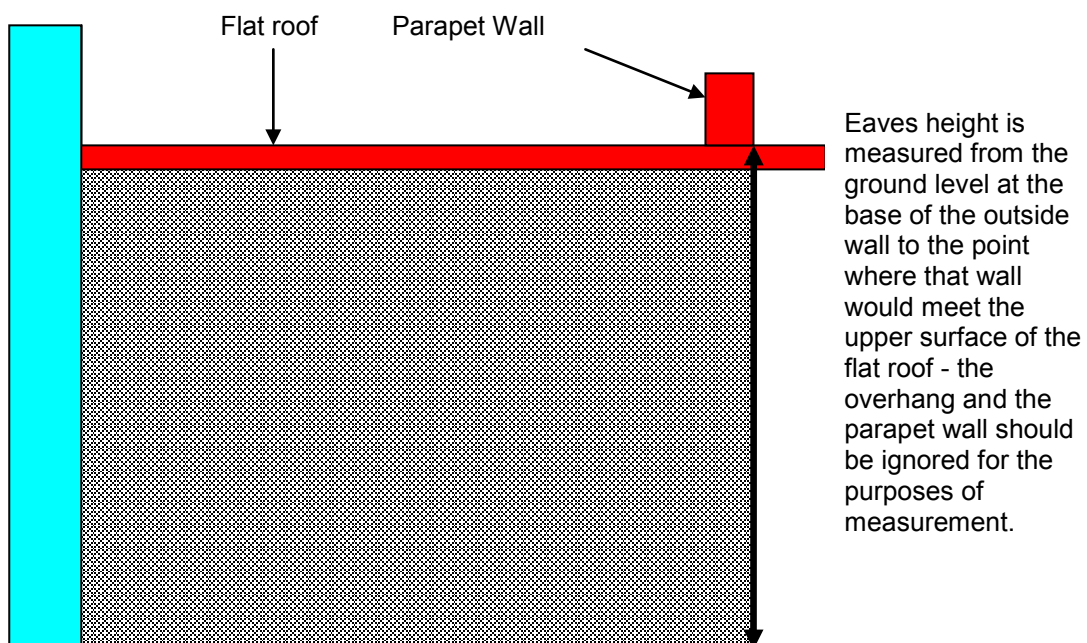
For the purpose of measuring height, the eaves of a house are the point where the lowest point of a roof slope, or a flat roof, meets the outside wall.

The height of the eaves will be measured from the ground level at the base of the external wall of the extension to the point where the external wall would meet (if projected upwards) the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.

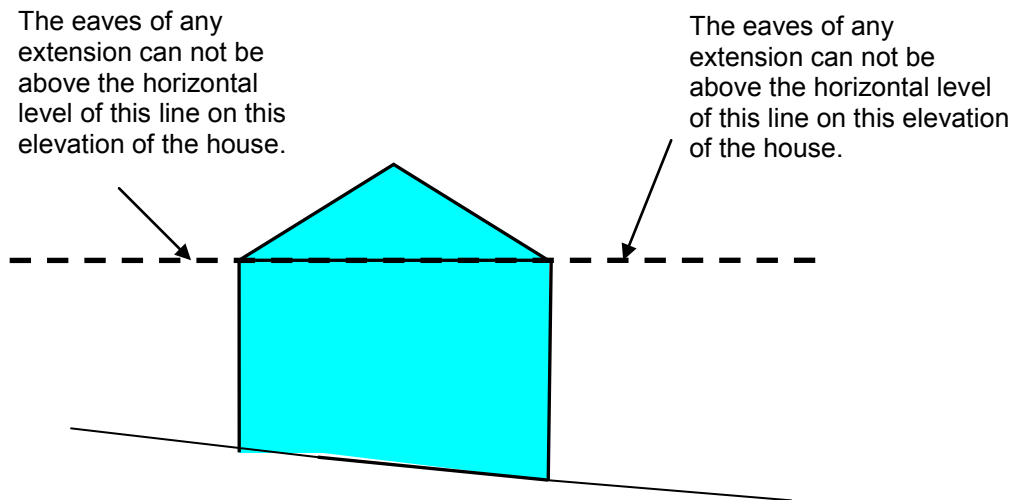
The following example shows the side view of an extension with a pitched roof:



Where there is a flat roof, a similar approach should be taken for measuring eaves:



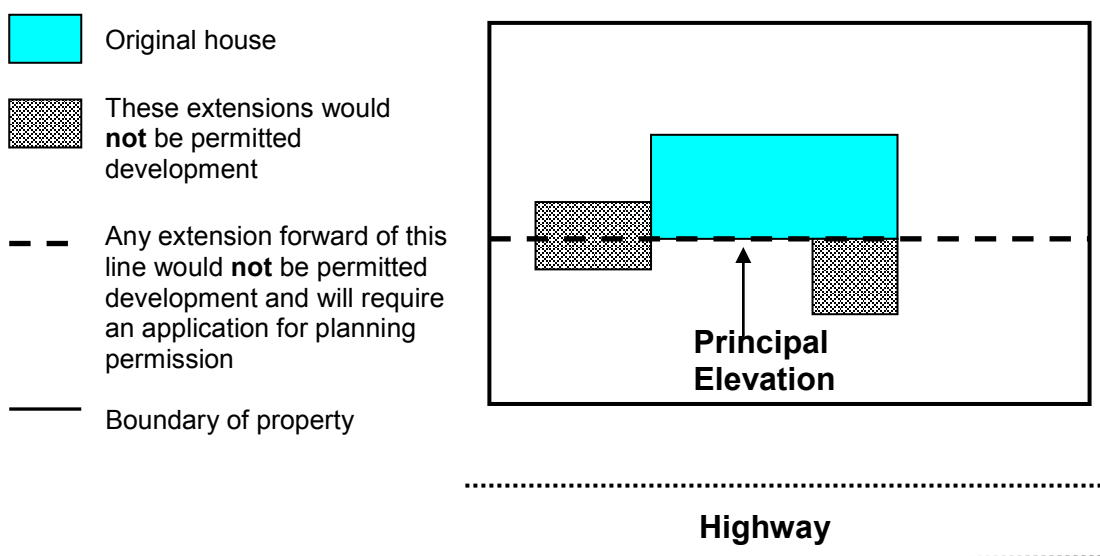
Where the existing house has eaves of different heights, then the restriction on the height of the eaves for the part of the house enlarged, improved or altered is measured against the highest level of eaves on the existing house. However, where a house is built on sloping ground, the height of the eaves on the existing house should be measured in terms of the elevation from which any extension of a house is to be made.



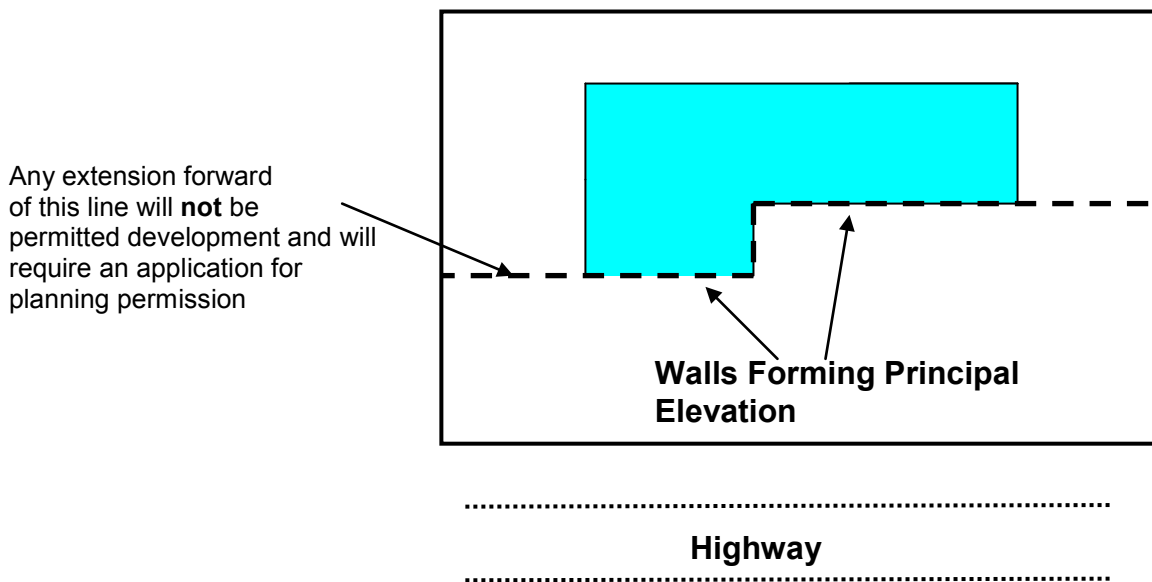
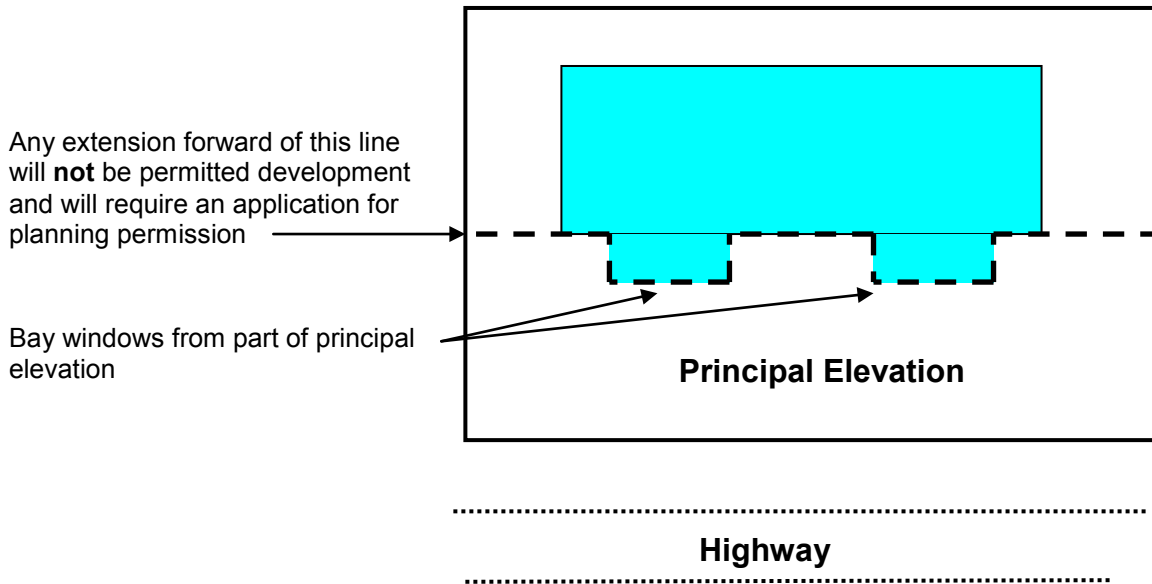
- (e) ***the enlarged part of the dwellinghouse would extend beyond a wall which -***
- (i) ***forms the principal elevation of the original dwellinghouse; or***
- (ii) ***fronts a highway and forms a side elevation of the original dwellinghouse***

This restriction means that any development to enlarge a house that is in front of a principal elevation, or in front of a side elevation that fronts a highway will require an application for planning permission. Principal elevation has the meaning set out in the 'General Issues' section of this document (see page 7).

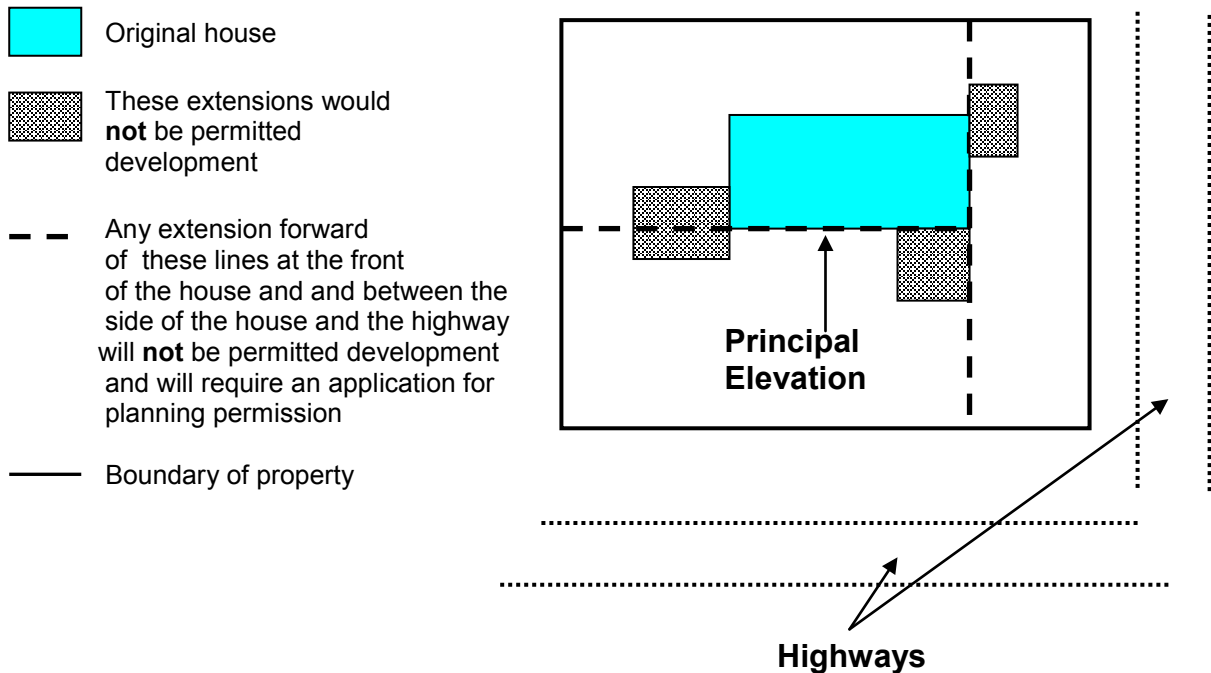
In this context, 'extend beyond a wall' comprises not only the area immediately in front of the wall, but also an area in front of a line drawn from the end of the wall to the boundary of the property. In the diagram below, neither extension shown would be permitted development - they both extend beyond a wall forming a principal elevation that fronts a highway.



The principal elevation could include more than one wall facing in the same direction - for example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such walls will form the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls.



If a house sits on a corner plot where a side elevation fronts a highway, there will be an additional restriction on permitted development to the side of the house.



The extent to which an elevation of a house fronts a highway will depend on factors such as:

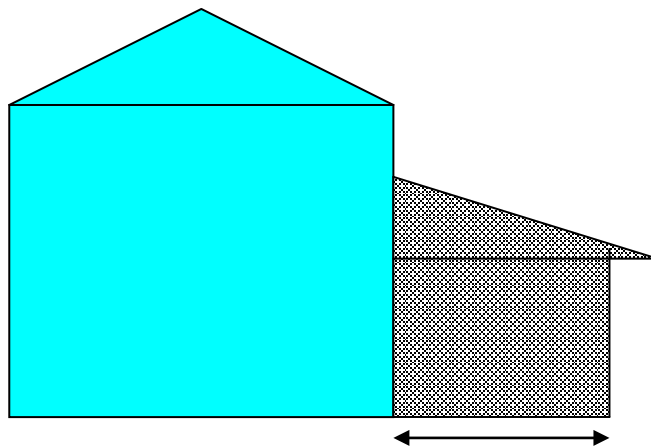
- the angle between the elevation of the house and the highway. If that angle is more than 45 degrees, then the elevation will not normally be considered as fronting a highway;
- the distance between the house and the highway - in cases where that distance is substantial, it is unlikely that a building can be said to front the highway. The same may be true where there is a significant intervening area of land in different ownership or use between the boundary of the curtilage of the house concerned and the highway.

**(f) the enlarged part of the dwellinghouse would have a single storey and -**

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or**
- (ii) exceed 4 metres in height**

A single-storey extension must not extend beyond the rear of the original house by more than four metres if a detached house, or by more than three metres in any other case. In both cases, the total height of the extension must not be more than 4 metres. The rear wall or walls of a house will be those which are directly opposite the front of the house.

Measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house to the outer edge of the wall of the extension (not including any guttering or barge boards).



Measurement of 'extend beyond a rear wall' when the extension is directly attached to the rear wall

***(g) until 30<sup>th</sup> May 2019, for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and -***

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or***
- (ii) exceed 4 metres in height***

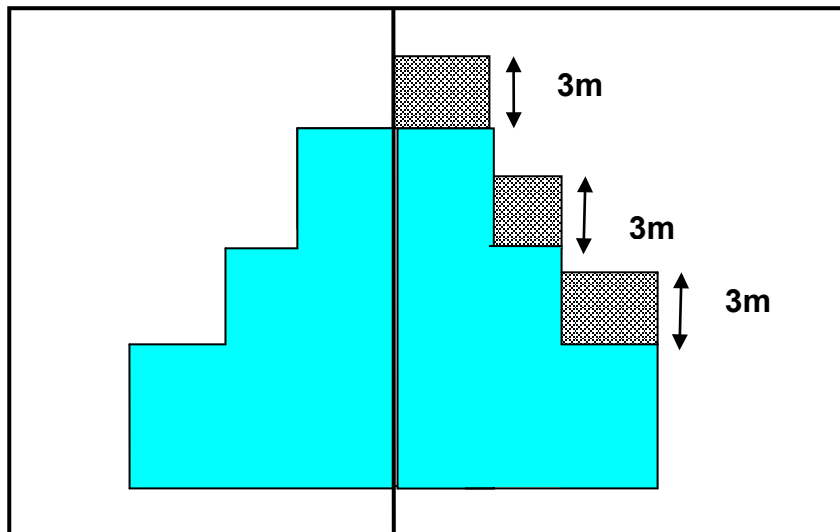
From 30 May 2013 until 30 May 2019 a single-storey extension can be larger than allowed under paragraph (f) above: it must not extend beyond the rear of the original house by more than 8 metres if a detached house, or by more than 6 metres in any other case. These larger extensions are not allowed for houses on article 2(3) land or on a site of special scientific interest. The height restriction remains the same: the extension must not be more than 4 metres high. The rear wall or walls of a house will be those which are directly opposite the front of the house. It remains the case that development is not permitted if, as a result of the works, the total area of ground covered by extensions and other buildings within the curtilage of the house would exceed 50% of the curtilage of the original house excluding the ground area of the original house (see paragraph (b) above).

These larger single-storey extensions, extending beyond the rear of the original house by more than 4 metres and less than 8 metres if a detached house, or by more than 3 metres and less than 6 metres in any other case, are subject to a neighbour consultation scheme for the impact of the proposed development on the amenity of their property. The requirements of the neighbour consultation scheme are set out in paragraph A.4 of Class A.

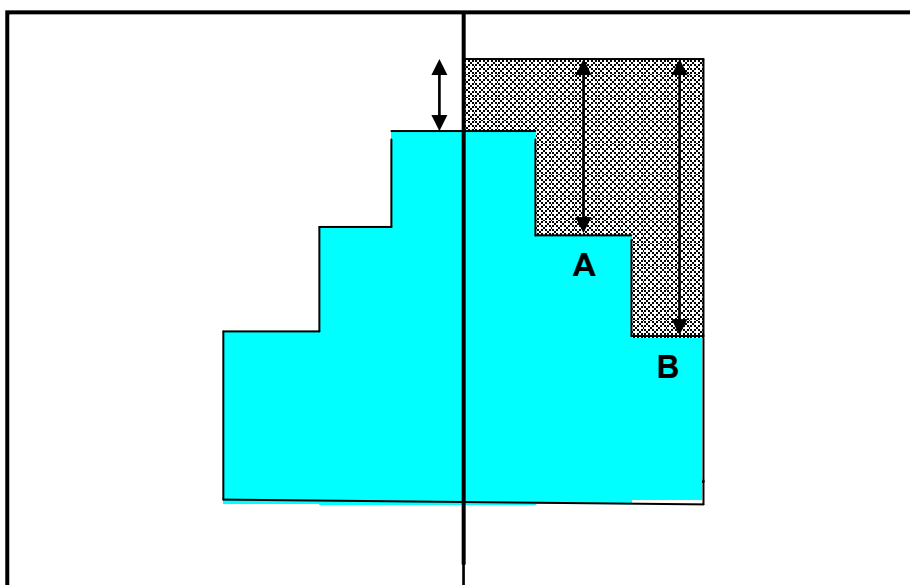
Householders wishing to build a larger extension have to notify the local planning authority about the proposed extension and the local planning authority must give adjoining neighbours notice of the proposals and the opportunity to object. Works cannot commence until the local planning authority notifies the householder that no prior approval is required, or gives prior approval, or 42 days have passed without any decision by the local planning authority. Works must be completed by 30 May 2019 and the local planning authority must be notified of their completion.

Single-storey extensions that do not extend beyond the rear of the original house by more than 4 metres if a detached house, or by more than 3 metres in any other case, (as set out in paragraph (f) above) are not subject to a neighbour consultation scheme.

Where the original rear wall of a house is stepped, then each of these walls will form 'the rear wall of the original dwellinghouse'. In such cases, the limits on extensions apply to any of the rear walls being extended beyond. In the example below showing a plan of a semi-detached house with an original 'stepped' rear, each of the extensions (shaded) would meet the requirements for a single storey extension as they do not extend more than 3 metres beyond the rear wall (or until 30 May 2019 more than 6 metres, except on article 2(3) land or sites of special scientific interest where the 3 metre limit remains in place).

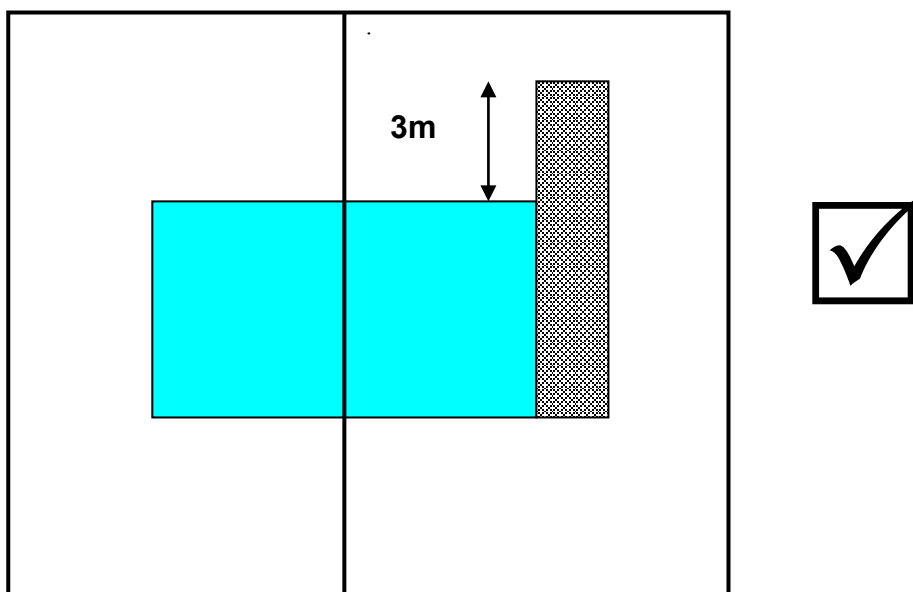


However, the extension shown below would not meet the requirements for permitted development. In the case of rear walls 'A' and 'B', the extension goes more than 3 metres beyond those walls (or until 30 May 2019 more than 6 metres, except on article 2(3) land or sites of special scientific interest where the 3 metre limit remains in place).



## Side wall extensions extending beyond rear walls

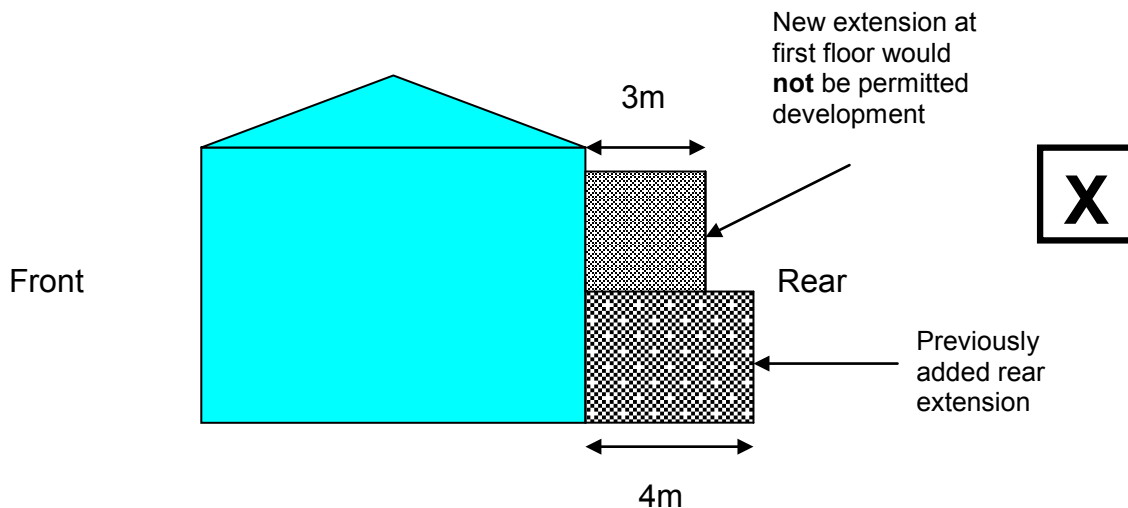
An extension on a side wall that extends beyond a rear wall, but is not attached to a rear wall will be subject to the restrictions that apply to rear walls as well as the restrictions on side walls (these are covered under section (j) of the rules - see page 23). So in the example below, the extension is limited to three metres (or until 30 May 2019 6 metres, except on article 2(3) land or sites of special scientific interest where the 3 metre limit remains in place) beyond the rear wall of the semi-detached house as well as being restricted by the limits set for extensions from side walls.



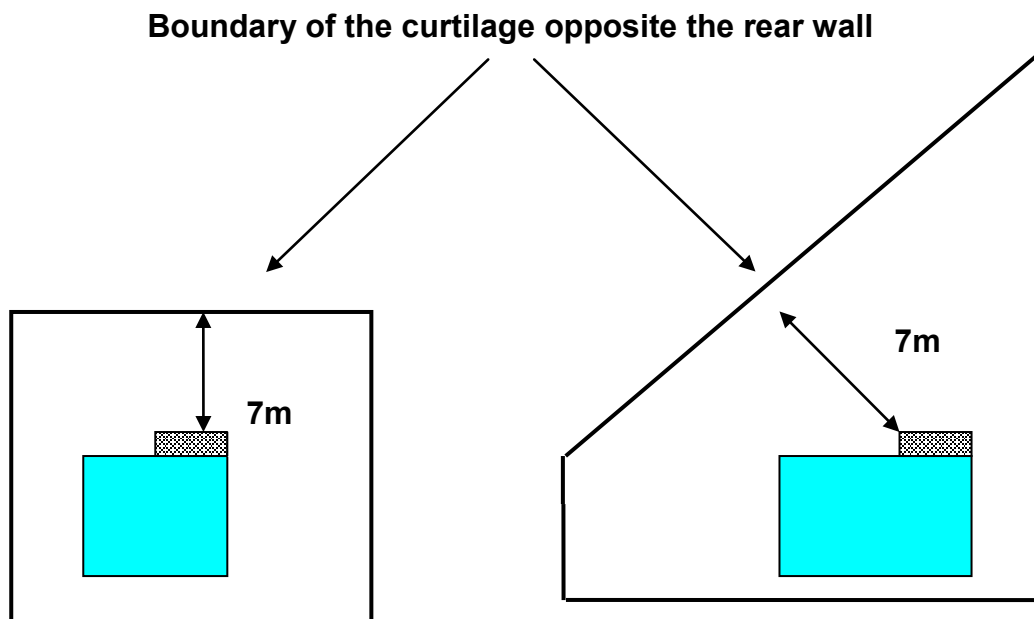
- h) the enlarged part of the dwellinghouse would have more than a single storey and -***
- (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or***
  - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse***

The enlarged part of the house (see page 7) could be a two storey extension to a house, or might comprise the addition of a storey onto a part of the house which has already been enlarged through permitted development - for example, the addition of a second storey onto an existing single storey extension. The entire enlarged part of the house must not extend beyond the rear wall by more than 3 metres for the development to qualify as permitted development. Measurement of the extension beyond the rear wall should be made from the base of the rear wall of the original house that the enlargement extends beyond. Again, this limit applies to any rear wall being built out from (see diagrams under (g) above). Other limits in Class A also apply where relevant, for example the height limits in (c) and (d) above.

The limits applying to an enlargement of a house by more than one storey will apply in all cases where the enlarged part of the house includes any part that is of more than one storey. The following example, showing a side view of a detached house, would not be permitted development. If a detached house has an existing, single storey, ground floor extension that was not part of the original house, and which extended beyond the rear wall by more than 3 metres, then it would not be possible to add an additional first floor extension above this without an application for planning permission - because the enlarged part of the house would then consist of more than one storey and would extend beyond a rear wall by more than 3 metres.



In addition, where the extension or enlarged part of the house has more than one storey, it must be a minimum of 7 metres away from any boundary of its curtilage which is opposite the rear wall of the house being enlarged. For example:



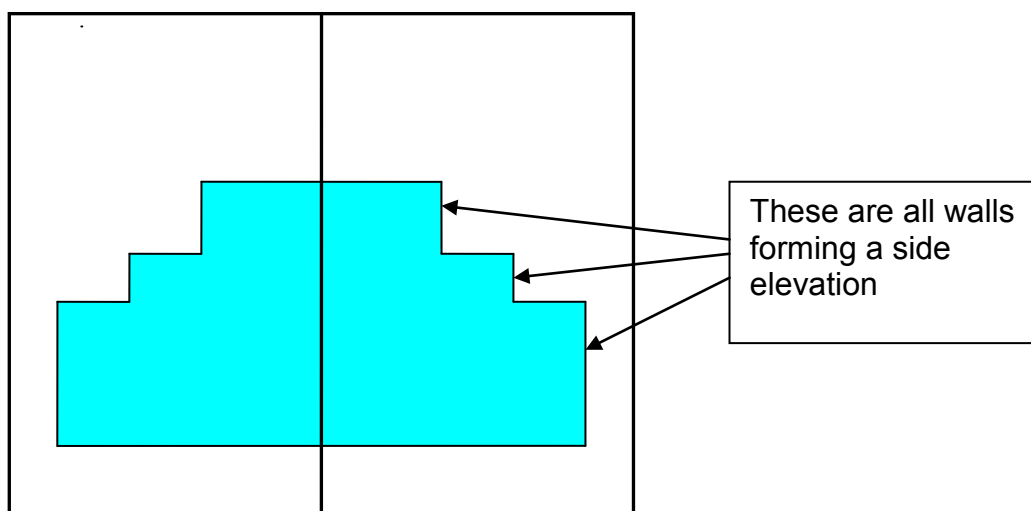
***(i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres***

Where any part of a proposed extension to a house is within 2 metres of the boundary of its curtilage, then the maximum height of the eaves that is allowed for the proposal (or, if adding to an existing extension, the whole enlarged part), is 3 metres.

Guidance on measurement of height of eaves is covered under paragraph (d) above.

- (j) ***the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would –***
- (i) ***exceed 4 metres in height,***
  - (ii) ***have more than a single storey, or***
  - (iii) ***have a width greater than half the width of the original dwellinghouse***

A wall forming a side elevation of a house will be any wall that cannot be identified as being a front wall or a rear wall. Houses will often have more than two side elevation walls. For example:



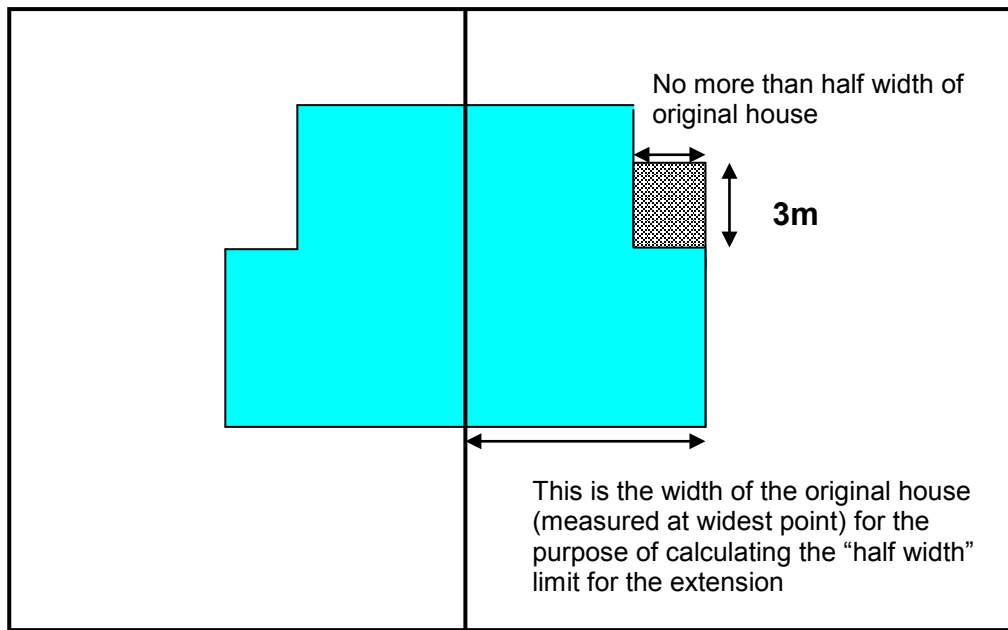
Where an extension is beyond any side wall, the restrictions in (j) will apply. Any extension can only be a single storey, must be less than 4 metres in height and can only be half the width of the original house. The width of the original house should be calculated at its widest point.

### **Rear and side extensions**

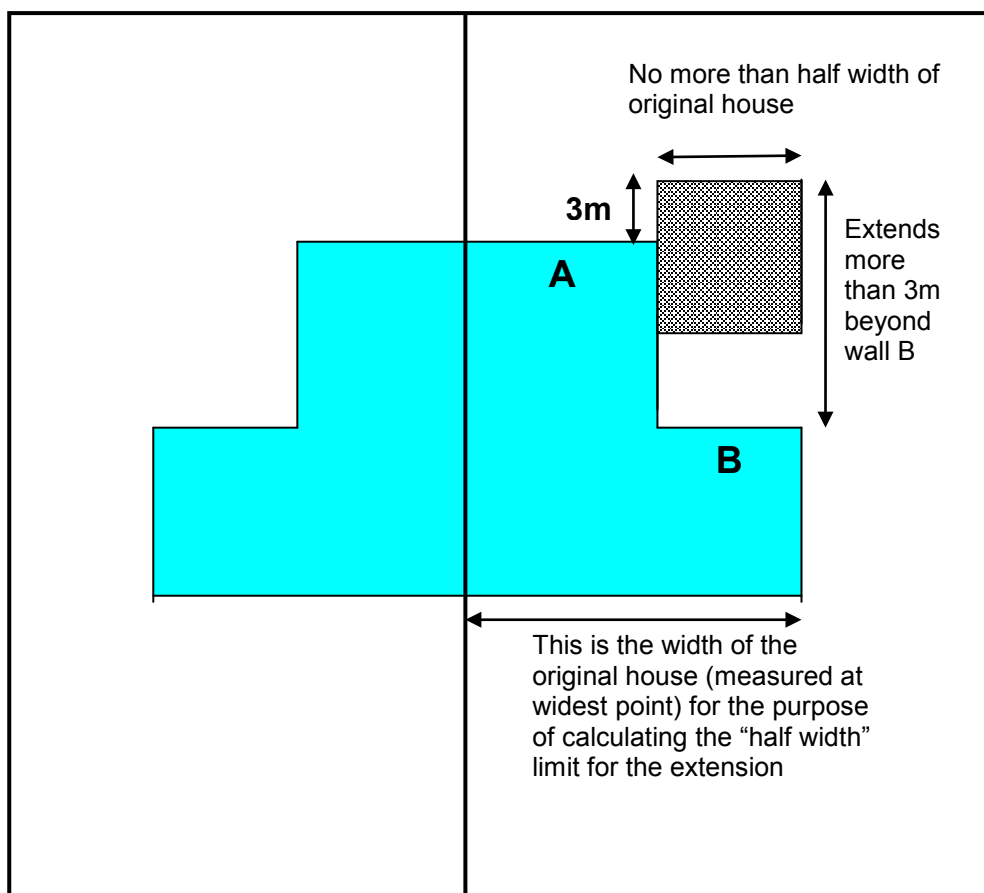
Where an extension fills the area between a side elevation and a rear wall, then the restrictions on extensions beyond rear walls and side walls will both apply (see also page 20). The extension must:

- (i) extend no more than 3 metres beyond the rear wall, or no more than 4 metres in the case of a detached house (or until 30 May 2019 no more than 6 metres beyond the rear wall, or 8 metres for a detached house, except on article 2(3) land or sites of special scientific interest where the 3 and 4 metre limits remains in place),
- (ii) be a single storey and must not exceed 4 metres in height;
- (iii) have a total width that does not exceed more half the width of the house (measured at its widest point).

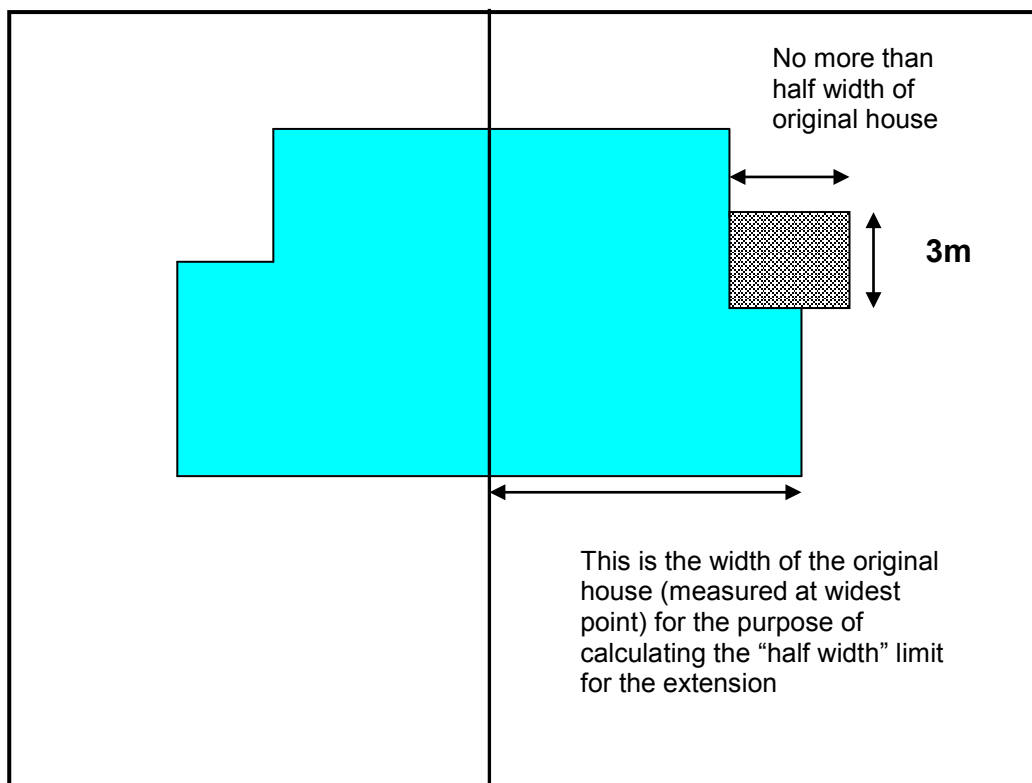
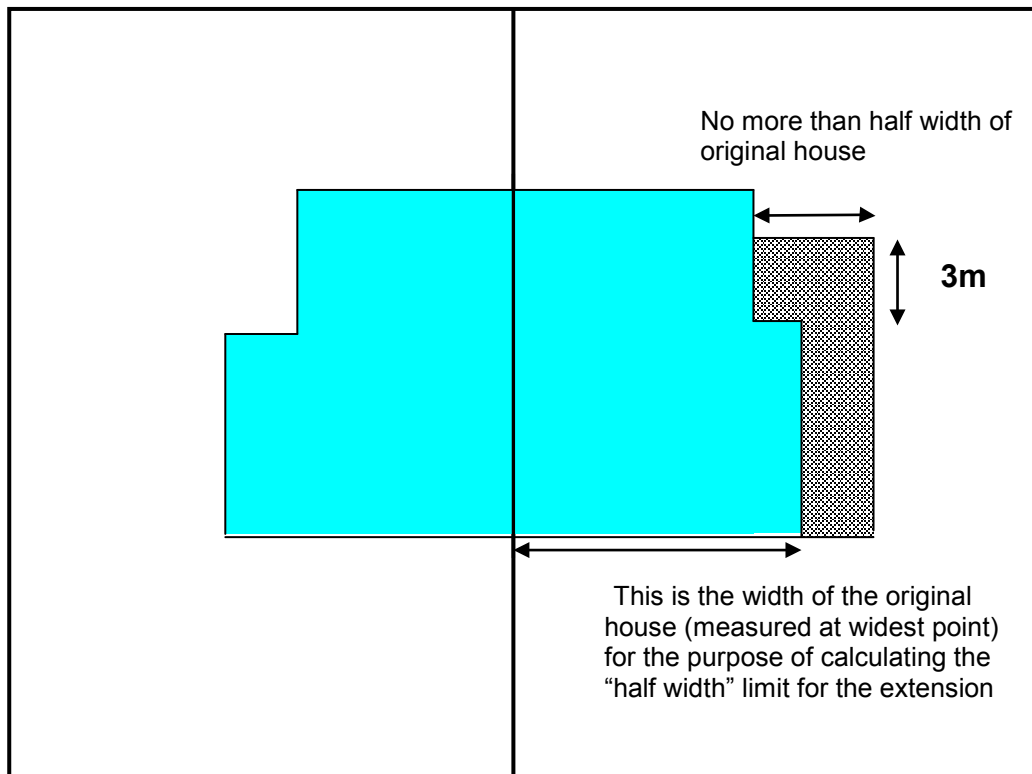
For example:



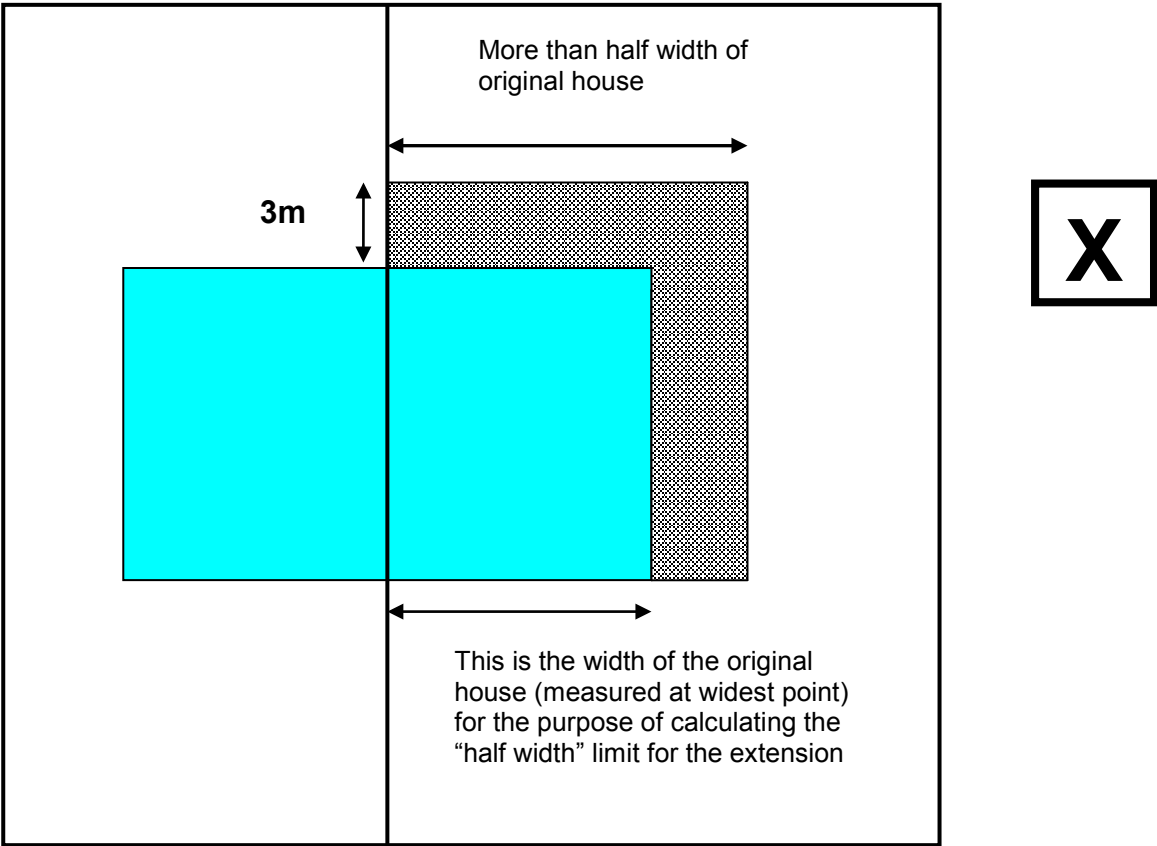
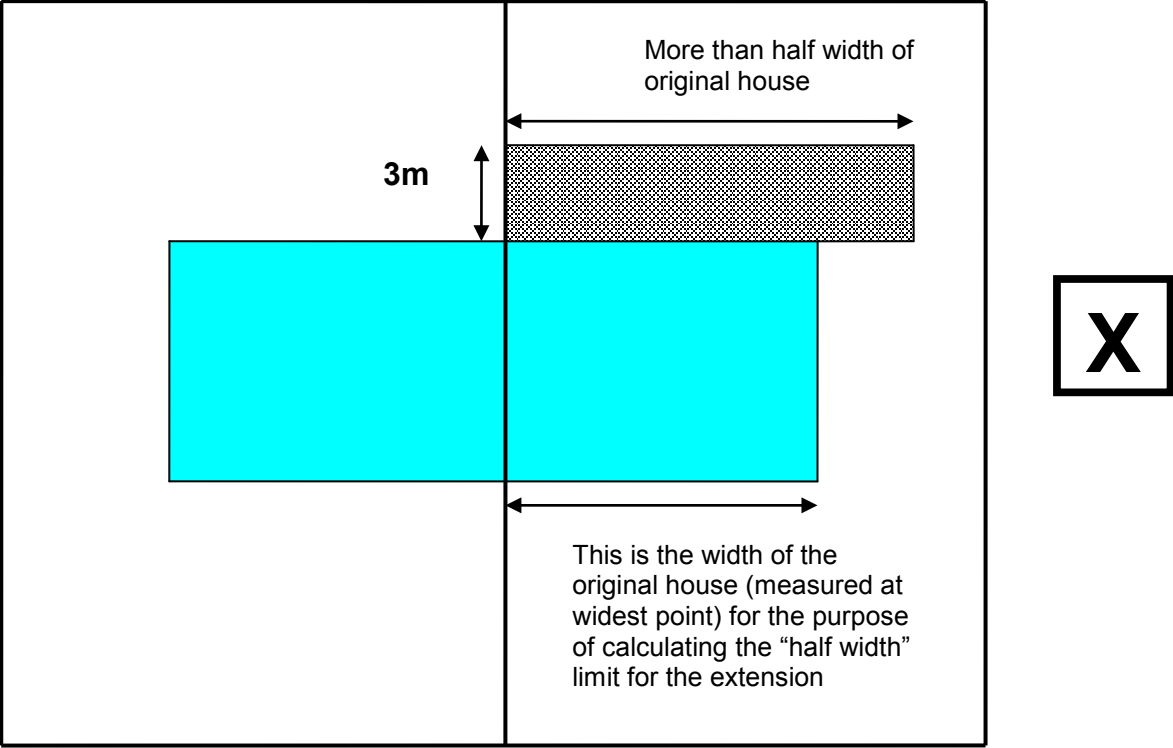
In the following example, although the extension is less than half the width of the original house and extends beyond the rear wall at 'A' by only 3 metres (or 6 metres until 30 May 2019, except on article 2(3) land or sites of special scientific where the 3 metre limit remains), it extends beyond the rear wall 'B' by more than 3 metres (or 6 metres until 30 May 2019, except on article 2(3) land or sites of special scientific where the 3 metre limit remains). It would therefore not be permitted development and will require an application for planning permission.



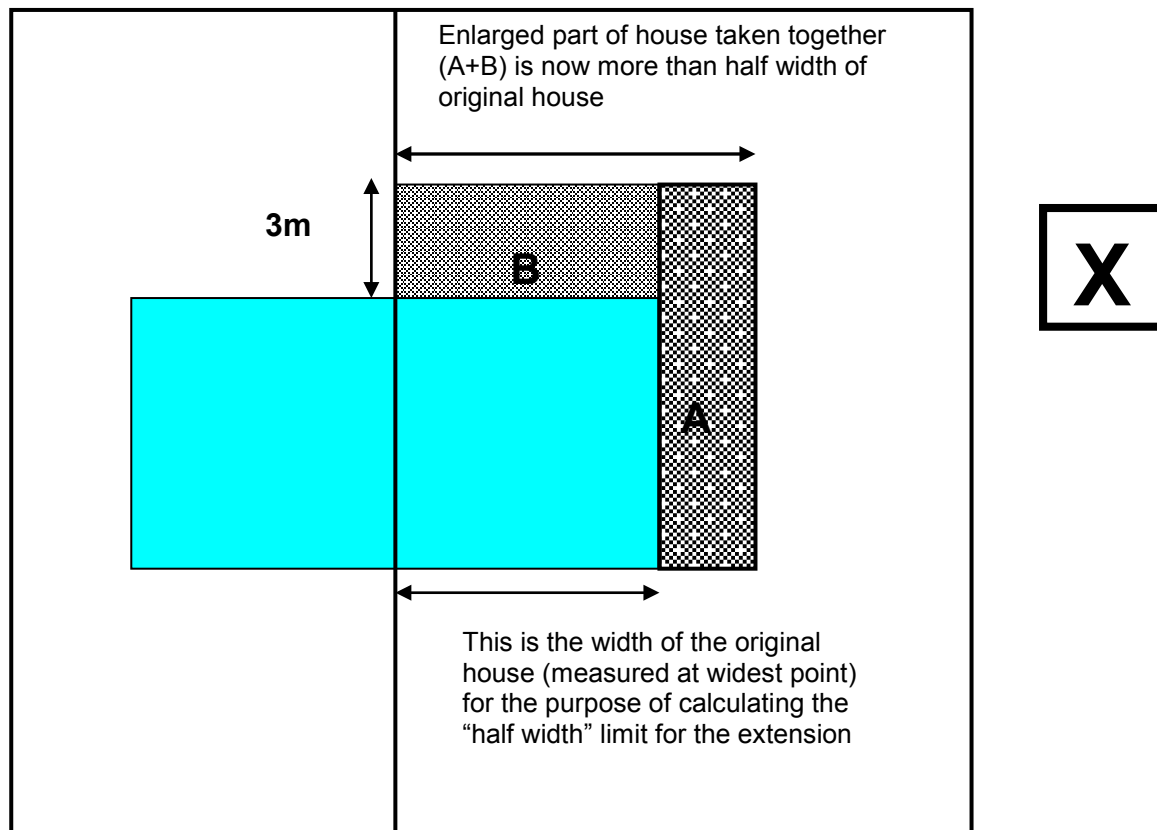
In other cases, an extension may comprise both elements of a rear and side extension. Examples could include:



The following examples, however, would not be permitted development. In each case, the extension extends beyond a side wall and is more than half the width of the original house. An application for planning permission would therefore be required.

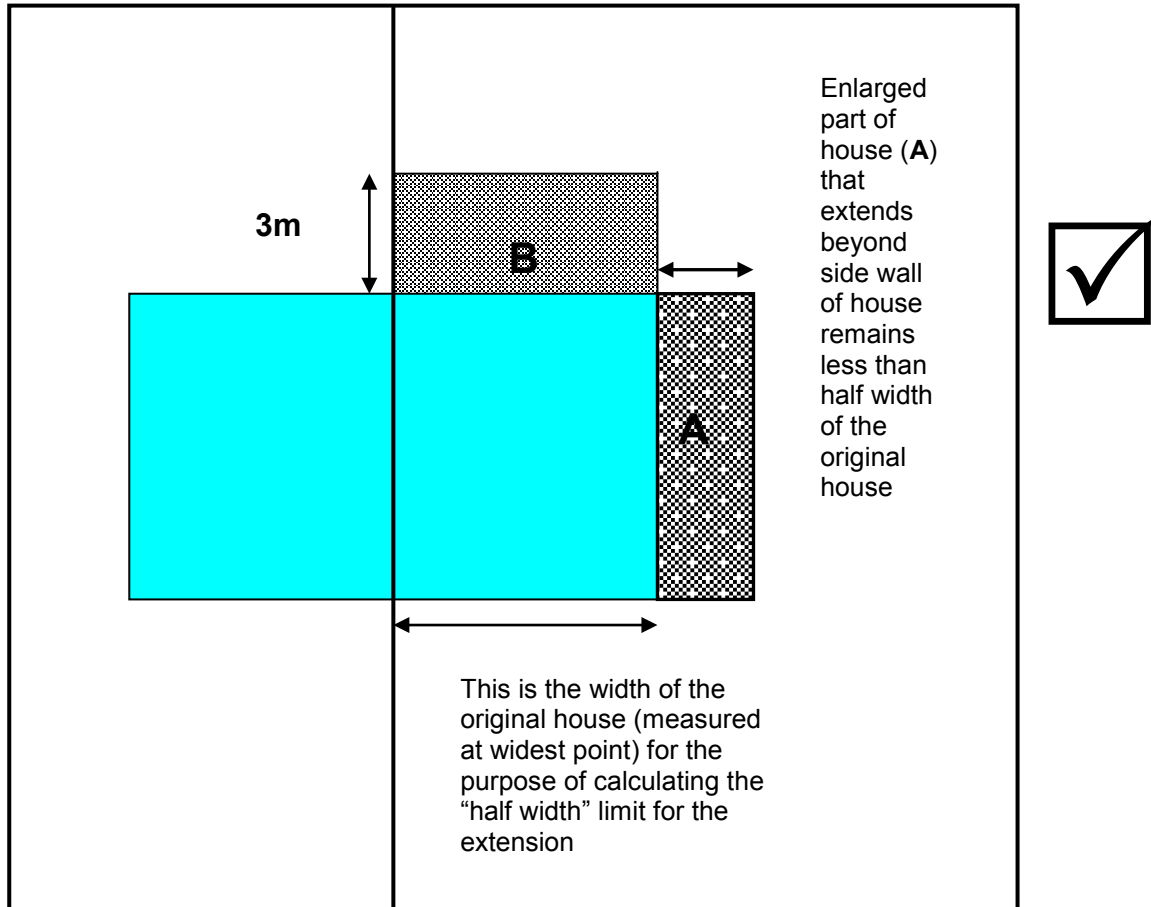


In some situations, it may be that development is undertaken in separate stages, for example, a side extension may be built first, and then a rear extension added at a later date. In this case, the whole of the enlarged part will be taken into account. For example:



In the example above, if the side extension **A** was built first, it would meet the requirement for being no more than half of the width of the original house. However, the later addition of the rear extension **B** would mean that the total width of **A + B** at the widest point would be more than half the width of the house. The rear extension would therefore require an application for planning permission.

The next example would be permitted development. The original side extension **A** extends beyond a side wall by no more than half the width of the original house and would be permitted development (subject to meeting the other rules that are relevant under Class A). If the rear extension **B** is added at a later date, it has no effect on the width of the side extension (it does not join it). The enlarged part of the house therefore continues to be less than half the width of the house and therefore permitted development.



or

**(k) it would consist of or include -**

- (i) the construction or provision of a verandah, balcony or raised platform,**
- (ii) the installation, alteration or replacement of a microwave antenna,**
- (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**
- (iv) an alteration to any part of the roof of the dwellinghouse**

Verandahs, balconies and raised platforms are not permitted development and will require planning permission.

A veranda is understood to be a gallery, platform, or balcony, usually roofed and often partly enclosed, extending along the outside of a building at ground level.

A balcony is understood to be a platform with a rail, balustrade or parapet projecting outside an upper storey of a building. A 'Juliet' balcony, where there is no platform and therefore no external access, would normally be permitted development.

A raised platform is any platform with a height greater than 0.3 metres and will include roof terraces.

Although the items set out in (i), (ii), (iii) and (iv) are not permitted development under Class A of the rules, some may be permitted development under other Classes subject to the limitations and conditions set out in those classes:

- Class B covers enlargement of houses through alterations or additions to the roof and Class C covers other alterations to the roof of a house.
- Where an extension to a house under Class A includes works that would require an alteration to the existing roof of the house (for example where the roof of the extension joins the existing roof), the alterations to the existing roof of the house will need to meet the requirements of Class B or C (as appropriate) in order to be permitted development.
- Class E covers provision of a 'building' within the area around the house required for a purpose incidental to the enjoyment of the house but restricts the height of raised platforms. A 'Building' - includes any structure or erection – so Class E allows garden decking provided it is not more than 0.3 metres high.
- Class G covers the installation, alteration or replacement of a chimney, flue or soil and vent pipe.
- Class H covers the installation, alteration or replacement of a microwave antenna.

**A.2 *In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if -***

- (a) *it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;***
- (b) *the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or***
- (c) *the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse***

This section of the rules sets out additional restrictions for National Parks, the Broads, areas of outstanding natural beauty, conservation areas, and land within World Heritage Sites. In these areas:

- the cladding of any part of a house, whether it be the original house or any enlarged part is not permitted development and requires an application for planning permission
- extensions beyond any side wall are not permitted development in these areas
- an extension from a rear wall is not permitted development if it results in an enlarged area of the house that has more than one storey.

## **Conditions**

**A.3 *Development is permitted by Class A subject to the following conditions-***

- (a) *the materials used in any exterior work (other than materials used in the construction of a conservatory) shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse***

The condition above is intended to ensure that any works to enlarge, alter or improve a house result in an appearance that minimises visual impact and is sympathetic to existing development. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials. For example:

- the external walls of an extension should be constructed of materials that provide a similar visual appearance - for example in terms of colour and style of brick used - to the materials used in existing house walls
- a pitched roof on an extension should be clad in tiles that give a similar visual appearance to those used on the existing house roof. Again, colour and style will be important considerations; flat roofs will not normally have any visual impact and

so, where this is the case, the need for materials of similar appearance should not apply

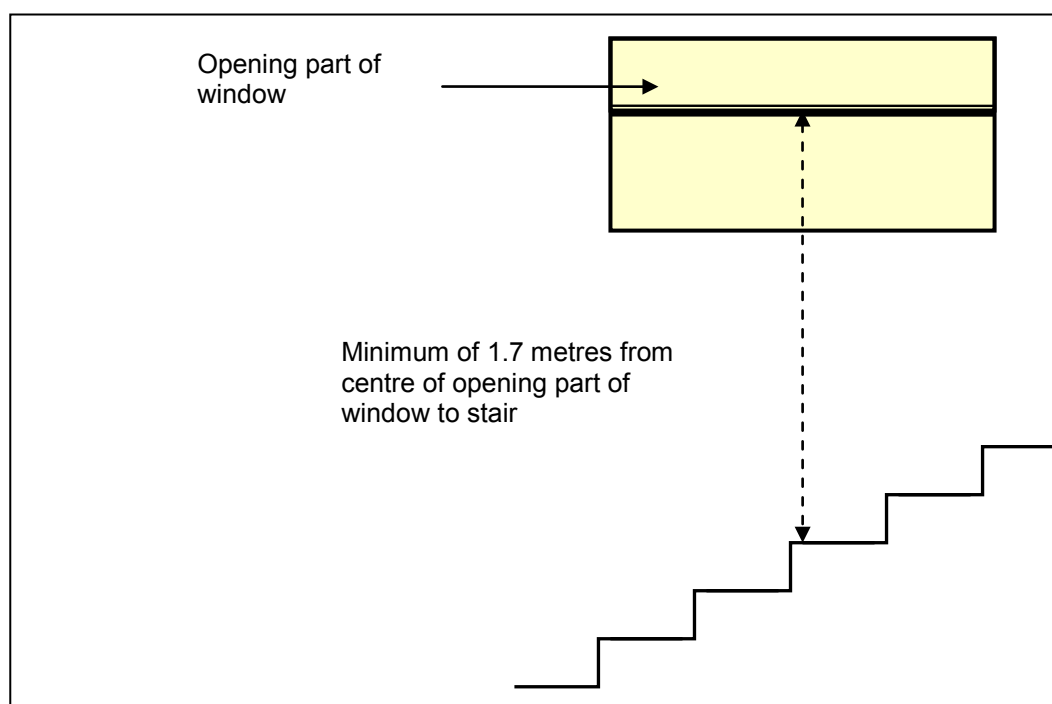
- it may be appropriate to replace existing windows with new uPVC double-glazed windows or include them in an extension even if there are no such windows in the existing house. What is important is that they give a similar visual appearance to those in the existing house, for example in terms of their overall shape, and the colour and size of the frames.

The requirement for similar visual appearance does not apply to conservatories.

- b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse shall be -**
- (i) obscure-glazed, and**
- (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed**

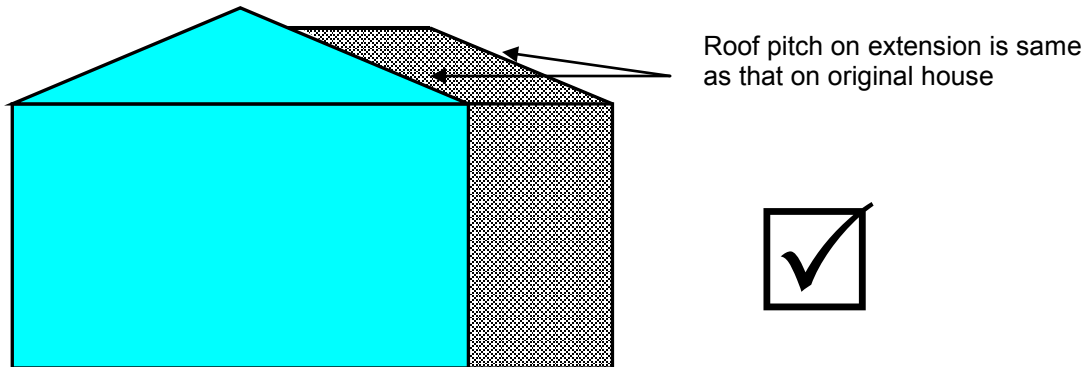
This condition requires upper-floor windows in any part of the side of a house to be obscure glazed. Glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy. To be permitted development, side windows should be obscure glazed to minimum of level 3. Obscure glazing does not include one-way glass.

Where such a window is on a staircase or landing (i.e. not in a room) the 1.7 metre measurement should be made from the stair or point on a landing immediately below the centre of the window, upwards to the opening part of the window.



**(c) where the enlarged part of the dwellinghouse has more than a single storey, the roof pitch of the enlarged part shall, so far as practicable, be the same as the roof pitch of the original dwellinghouse**

For example:



### **Solid Wall Installation**

The installation of solid wall insulation constitutes an improvement rather than an enlargement or extension to the house and is not caught by the provisions of (e), (f), (g), (h) and (j).

# Class B – additions etc to the roof

This provides permitted development rights for the enlargement of a house consisting of an addition or alteration to its roof.

Under Class B the following limits and conditions apply:

## ***B.1 Development is not permitted by Class B if –***

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)***

Enlargement is not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- (b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof***

Additions and alterations made to a roof to enlarge a house (for example a loft conversion or the replacement of an existing flat roof with a pitched roof) will only be permitted development if no part of the house once enlarged exceeds the height of the highest part of the roof of the existing house. If it does, planning permission will be required.

The highest part of the roof of the existing house will be the height of the ridge line of the main roof (even though there may be other ridge lines at a lower level) or the height of the highest roof where roofs on a building are flat.

Chimneys, firewalls, parapet walls and other protrusions above the main roof ridge line should not be taken into account when considering the height of the highest part of the roof of the existing house.

- (c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway***

The effect of this is that dormer windows as part of a loft conversion, or any other enlargement of the roof space, are not permitted development on a principal elevation that fronts a highway and will therefore require an application for planning permission. Roof-lights in a loft conversion on a principal elevation may however be permitted development as long as they meet the requirements set out under Class C (see page 38). Principal elevation has the meaning set out in the 'General Issues' section of this document (see page 7).

The principal elevation could include more than one roof slope facing in the same direction. For example, where there are large bay windows on the front elevation, or where there is an 'L' shaped frontage. In such cases, all such roof slopes will form the

principal elevation and the line for determining what constitutes 'extends beyond the plane of any existing roof slope' will follow these slopes (see guidance on Class A (e) for an illustration of this on page 15).

The extent to which an elevation of a house fronts a highway will depend on factors such as those set out in relation to Class A (e) (see page 16).

**(d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than -**

**(i) 40 cubic metres in the case of a terrace house, or**

**(ii) 50 cubic metres in any other case**

**For the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.**

To be permitted development any additional roof space created must not increase the volume of the original roof space of the house by more than 40 cubic metres for terraced houses and 50 cubic metres for semi-detached and detached houses. Any previous enlargement to the original roof space in any part of the house must be included in this volume allowance. 'Terrace house' has the meaning set out in the 'General Issues' section of this document (see page 6).

'Original roof space' will be that roof space in the 'original building' (see 'General Issues' on page 6 for the definition of this).

**(e) it would consist of or include -**

**(i) the construction or provision of a verandah, balcony or raised platform, or**

**(ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe**

Alterations to the roof of a house for loft conversions involving the creation of balconies are not permitted development and will require planning permission. 'Balcony' can be understood as set out on page 29.

Installation, alteration or replacement of chimneys, flues or soil and vent pipes will often be necessary when loft conversions are undertaken. Whilst these are not permitted development under Class B of these rules, they may be permitted development under Class G.

**(f) the dwellinghouse is on article 2(3) land**

In National Parks, the Broads, areas of outstanding natural beauty, conservation areas, and land within World Heritage Sites, roof extensions are not permitted development and will require an application for planning permission.

## Conditions

### ***B.2 Development is permitted by Class B subject to the following conditions -***

- (a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse***

This condition is intended to ensure that any addition or alteration to a roof for a loft conversion results in an appearance that minimises visual impact and is sympathetic to the existing house. This means that the materials used should be of similar visual appearance to those in the existing house, but does not mean that they need to be the same materials or match exactly. The visual impacts of the materials used will be the most important consideration. For example:

- the flat roofs of dormer windows will not normally have any visual impact and so, in this case, the use of materials such as felt, lead or zinc for flat roofs of dormers will therefore be acceptable
- the face and sides of a dormer window should be finished using materials that give a similar visual appearance to existing house. So the materials used for facing a dormer should appear to be of similar colour and design to the materials used in the main roof of the house when viewed from ground level. Window frames should also be similar to those in the existing house in terms of their colour and overall shape.

- (b) the enlargement shall be constructed so that –***

***(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –***

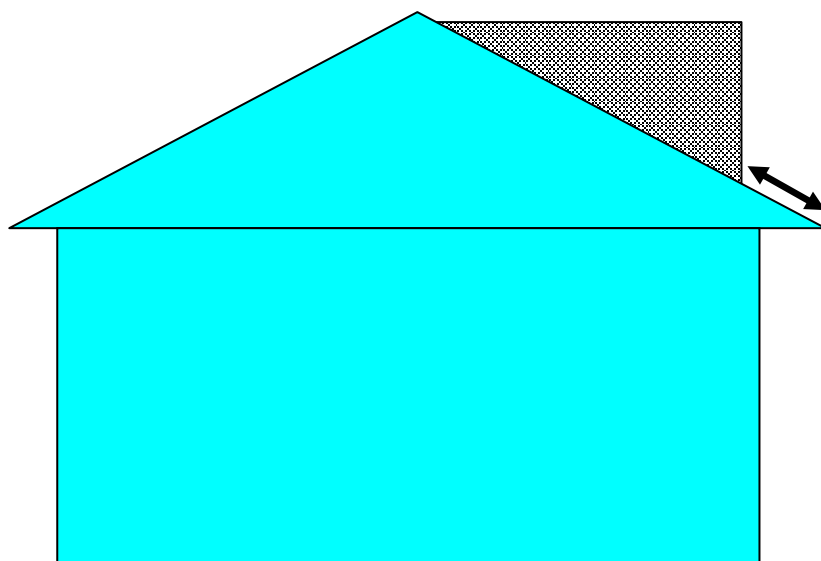
***(aa) the eaves of the original roof are maintained or reinstated; and***

***(bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and***

***(ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse***

It is sometimes necessary to remove the eaves of the original roof while works are carried out. To be permitted development eaves that are temporarily removed should be reinstated.

The measurement of 0.2 metres should be made along the original roof slope from the outermost edge of the eaves (the edge of the tiles or slates) to the edge of the enlargement. Any guttering that protrudes beyond the roof slope should not be included in this measurement.



Minimum of 0.2m from eaves to edge of the enlargement to be measured along the roof slope from the edge of the enlargement to the outer edge of the eaves. The enlargement cannot overhang the outer face of the wall of the original house.

This 0.2m set back will be required unless it can be demonstrated that this is not possible due to practical or structural considerations. One circumstance where it will not prove practical to maintain this 0.2m distance will be where a dormer on a side extension of a house joins an existing, or proposed, dormer on the main roof of the house.

The enlarged part of the roof must not extend beyond the outer face of any wall of the original house if it is to qualify as permitted development, unless it joins the original roof to the roof of a rear or side extension. An interpretative provision at paragraph B.4 of Class B clarifies that for these purposes any roof tiles, guttering, fascias, barge boards or other minor roof details which overhang the outer face of the wall should not to be considered part of the roof enlargement.

The enlarged part of the roof may join the original roof to the roof of a rear or side extension (generally referred to as an 'L-shaped dormer' on a main roof and 'outrigger' or 'back addition' roof), whether the part of the house being extended forms part of the original house or is an enlargement, or the shape or level of the pitch of the roofs are different in relation to each other.

**(c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall be -**

**(i) obscure-glazed, and**

**(ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed**

Windows for a loft extension on a side elevation of a house must be obscure glazed to benefit from permitted development. Glazing to provide privacy is normally rated on a scale of 1-5, with 5 providing the most privacy. To be permitted development, side

windows should be obscure glazed to minimum of level 3. Obscure glazed does not include one-way glass.

Where such a window is on a staircase or landing (ie not in a room) the 1.7 metres measurement should be made from the stair or point on a landing immediately below the centre of the window, upwards to the opening part of the window (see diagram under Class A - A.3 (b) above).

# Class C – other alterations to the roof

This provides permitted development rights for any other alteration to the roof of a house.

Such alterations will not involve any enlargement of the house, but would, for example, cover the installation of roof lights/windows.

Under Class C the following limits and conditions apply:

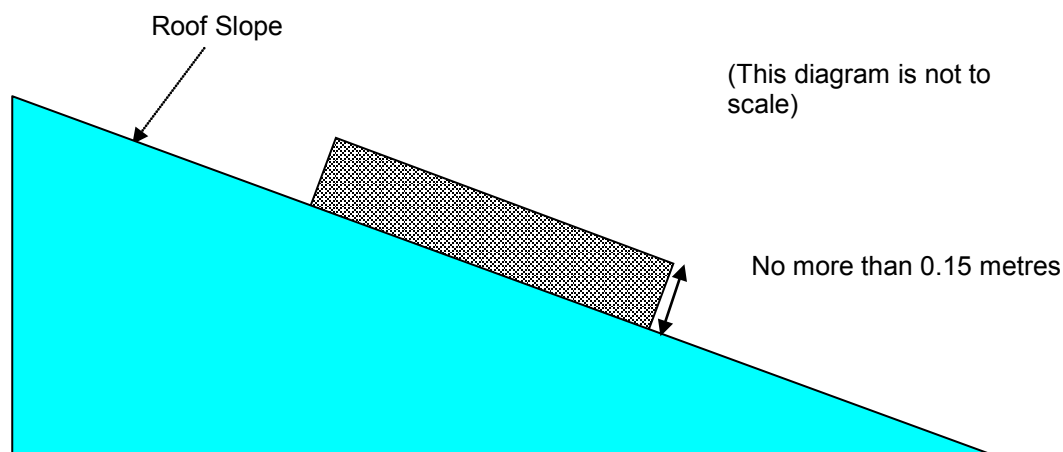
## ***C.1 Development is not permitted by Class C if –***

- a) ***permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)***

Alterations are not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- (b) ***the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof***

Any protrusion from a roof, for example, for a roof light/window and its frame, will be limited to 0.15m:



This limitation to projection from the roof plane should not be applied in cases where the roof of an extension to a house that is permitted development under Class A is joined to the roof of the original house. In such cases, the roof of the extension should not be considered under Class C as protruding from the original roof.

**(c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or**

**(d) it would consist of or include-**

**(i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or**

Guidance on these limits is covered under Class B above and will also apply to development under Class C. Note, however, that in the case of Class C, measurement of height is made against the original roof and not as in Class B where it is the existing roof. 'Original' and 'existing' are defined in the 'General Issues' section of this guidance (see page 6).

**(ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment**

Although solar photovoltaics and solar thermal equipment (i.e. solar panels) are not permitted development under Class C, they may not require an application for planning permission if they meet the requirements set out under Part 14 of the rules on permitted development.

## **Conditions**

**C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse shall be -**

**(a) obscure-glazed; and**

**(b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed**

Guidance on these conditions is covered under Class B above and will also apply to development under Class C.

## Class D - porches

This provides permitted development rights for the erection of a porch outside any external door of a house.

### ***D1. Development is not permitted by Class D if –***

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)***

The erection of a porch is not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4).

- (b) the ground area (measured externally) of the structure would exceed 3 square metres***
- (c) any part of the structure would be more than 3 metres above ground level or***
- (d) any part of the structure would be within 2 metres of any boundary of the curtilage of the dwellinghouse with a highway***

# Class E – buildings etc

This provides permitted development rights within the curtilage of a house for:

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure or**
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas**

Class E sets out the rules on permitted development for buildings etc within the curtilage (see page 7) of a house. Buildings which are attached to the house are not permitted under Class E (they would be subject to the rules in Class A). Buildings under Class E should be built for purposes incidental to the enjoyment of the house. Paragraph E.4 of Class E indicates that purposes incidental to the enjoyment of the house includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the house.

But the rules also allow, subject to the conditions and limitations below, a large range of other buildings on land surrounding a house. Examples could include common buildings such as garden sheds, other storage buildings, garages, and garden decking as long as they can be properly be described as having a purpose incidental to the enjoyment of the house. A purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen.

Under Class E, the following limits and conditions apply:

## **E.1 Development is not permitted by Class E if –**

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)**

Buildings etc are not permitted where the house was created under the permitted development rights to change use, set out in Classes M, N, P, PA, and Q of Part 3 of Schedule 2 to the Order (see page 4)

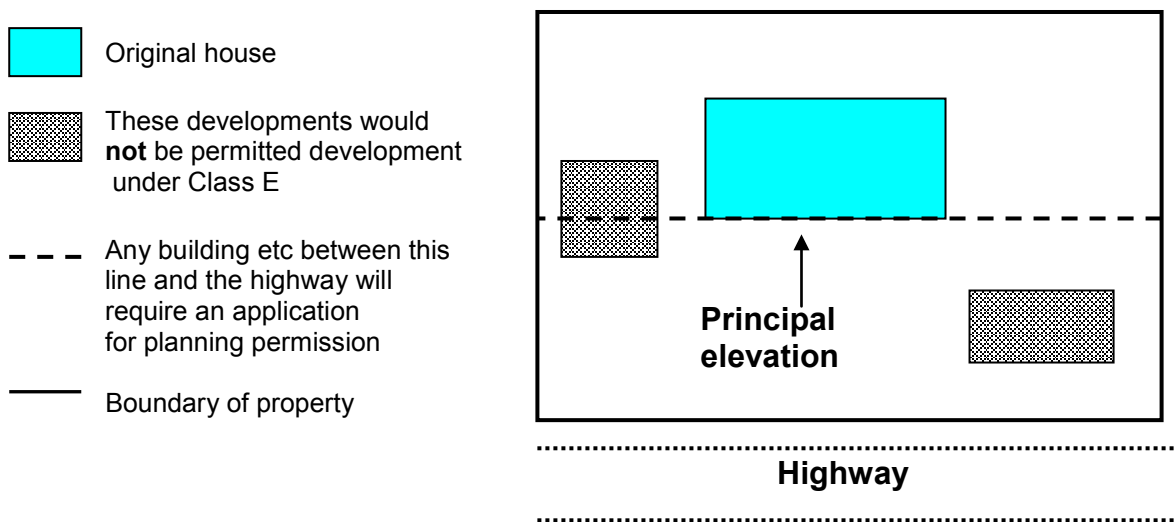
- (b) the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)**

The total area of ground around the house covered by buildings, enclosures and containers must not exceed 50% of the total area of the curtilage, excluding the original house (see pages 6 and 7). The 50% limit covers all buildings, so will include any existing

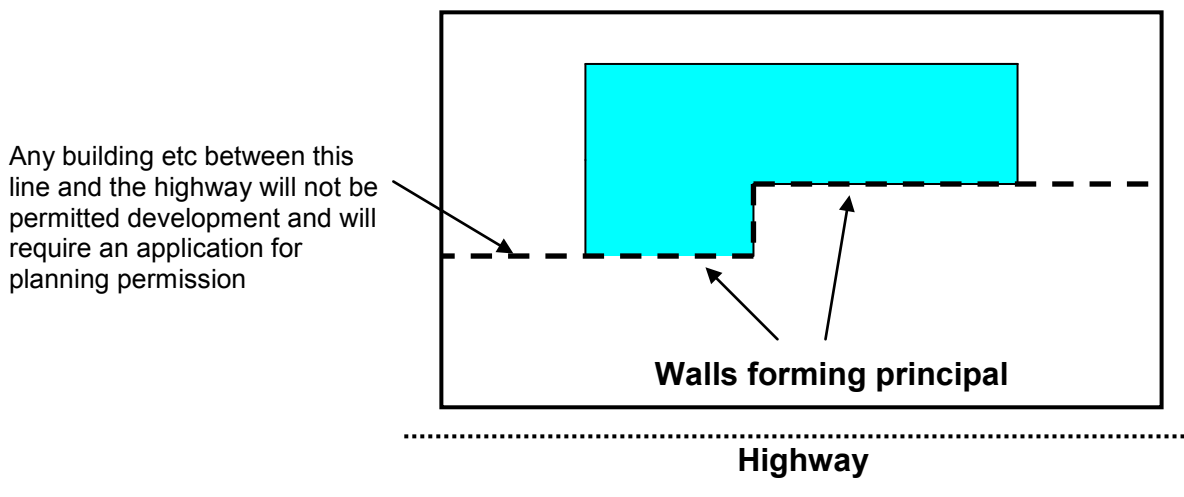
or proposed new extensions to the original house under Class A of the permitted development rules or that have been granted planning permission, as well as existing and proposed outbuildings. It will exclude the area covered by the original house, but will include any separate detached buildings even where they were built prior to 1948 or if the house was built after that date, built when the house itself was built (for example a detached garage).

**(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse**

Development is not permitted under Class E in any area in front of the principal elevation of a house. It also prevents permitted development anywhere in front of a hypothetical line drawn through the principal elevation to the side boundary of the land surrounding the house. Principal elevation has the meaning set out in the 'General Issues' section of this document (see page 7). For example:



Where the principal elevation comprises more than one wall facing in the same direction, all such walls will form part of the principal elevation and the line for determining what constitutes 'extends beyond a wall' will follow these walls:



**(d) the building would have more than a single storey**

Any buildings within the curtilage can only have one storey. Buildings with more than one storey are not permitted development and will require an application for planning permission.

**(e) the height of the building, enclosure or container would exceed -**

- (i) 4 metres in the case of a building with a dual-pitched roof,**
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or**
- (iii) 3 metres in any other case**

The height of the building, enclosure or container should be measured from the highest ground level immediately adjacent to the building, enclosure, or container to its highest point.

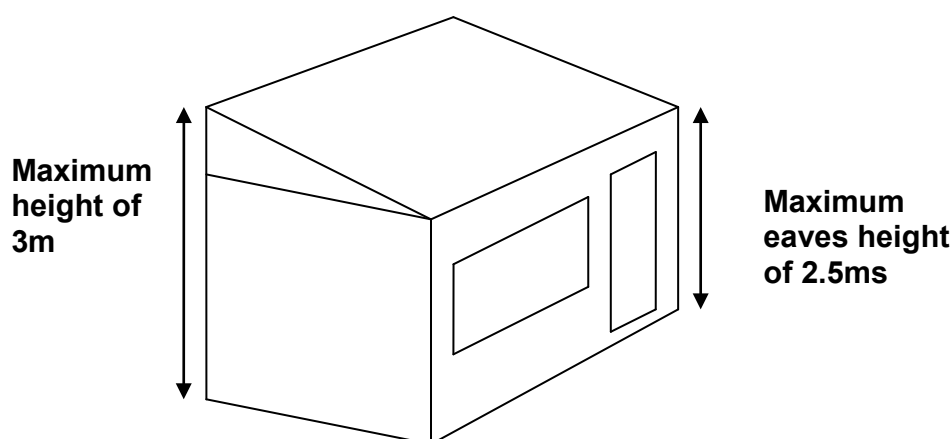
The height limit on a 'dual-pitched roof' of four metres should also be applied to buildings that have 'hipped' roofs (slopes on all four sides).

If any part of the building, container or enclosure is within two metres of the boundary of the curtilage of the house, then the height limit for the whole development is restricted to 2.5 metres if it is to be permitted development.

**(f) the height of the eaves of the building would exceed 2.5 metres**

The eaves of a building will be the point where the lowest point of a roof slope, or a flat roof, meets the outside wall of the building. The Guidance on Class A (d) above includes examples and further guidance (see page 12).

Under Class E the maximum height of the eaves on any part of the building (irrespective of total height) is 2.5 metres. For example, on a building with a single-pitched roof, the 2.5 metres eaves limit and three metres maximum height limit would be as shown below.



- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building**

An application for planning permission will be required for any building, enclosure, pool or container that would be situated on land surrounding a listed building.

- (h) it would include the construction or provision of a verandah, balcony or raised platform**

Verandahs, balconies and raised platforms are not permitted development under Class E.

‘Verandah’ and balcony’ can be understood as set out on page 29. A raised platform is defined as any platform that has a height of more than 0.3 metres (see page 6). Garden decking will therefore be permitted development under Class E subject to it not exceeding this 0.3m height limit and subject to the other limits and conditions under this Class.

- (i) it relates to a dwelling or a microwave antenna**

Class E covers buildings that are for a purpose incidental to a house. Class E does not provide permitted development rights for works related to a house (for example, extensions to a house) which are covered by other Classes of the rules on permitted development. Permitted development rights for microwave antenna are covered under Class H of the rules.

- (j) the capacity of the container would exceed 3,500 litres.**

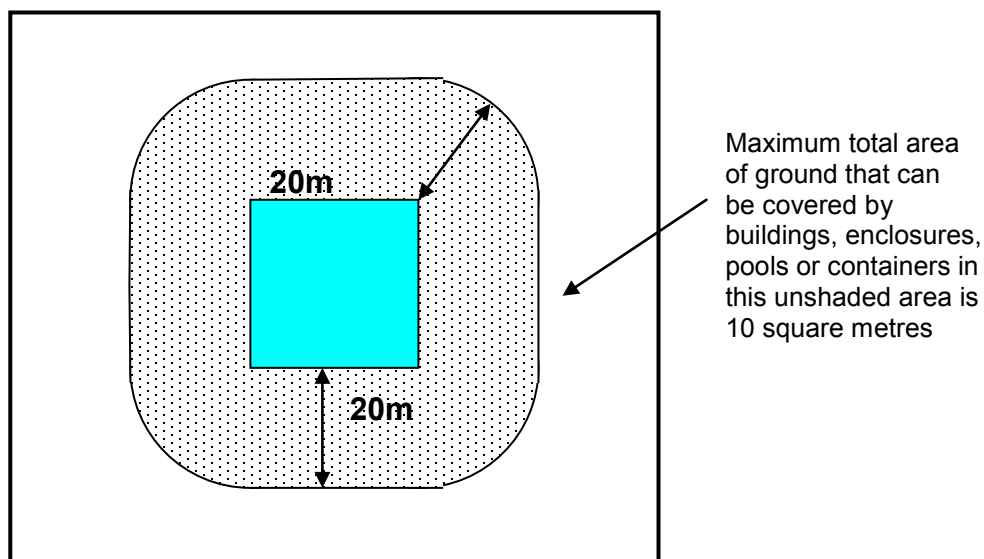
A container with a capacity greater than 3,500 litres will not be permitted development and will require an application for planning permission.

**E.2 In the case of any land within the curtilage of the dwellinghouse which is within -**

- (a) a World Heritage Site,**
- (b) a National Park, ,**
- (c) an area of outstanding natural beauty or**
- (d) the Broads,**

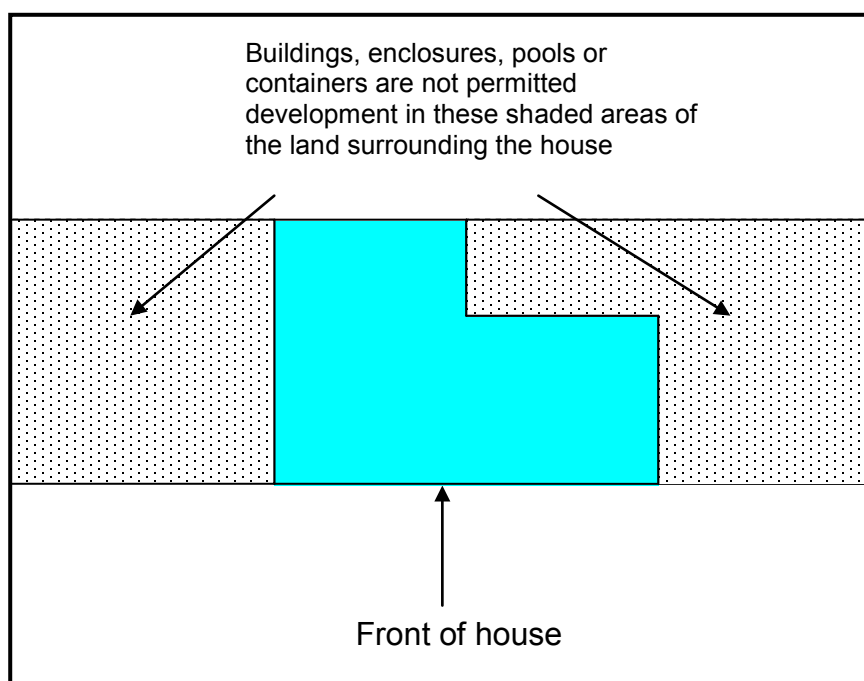
**development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres**

The effect of this limitation is to restrict the amount of permitted development for buildings, enclosures, pools and containers located more than 20 metres away from any wall of the house. The total area of ground which may be covered by buildings etc more than 20 metres from any wall of a house is 10 square metres.



***E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse***

This additional restriction applies for land surrounding a house in National Parks, the Broads, areas of outstanding natural beauty, conservation areas, and within World Heritage Sites. In these areas, buildings, enclosures, pools or containers sited on land between a side wall and the boundary of the land surrounding the house are not permitted development.



## **Interpretation of Class E**

- E.4 For the purposes of Class E, “purpose incidental to the enjoyment of the dwellinghouse as such” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse***

# Other Classes under Part 1

## Class F – hard surfaces

This provides permitted development rights within the curtilage of a house for -

- (a) the provision of a hard surface for any purpose incidental to the enjoyment of the dwellinghouse as such or**
- (b) the replacement in whole or in part of such a surface**

**Development is not permitted by Class F if permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA, or Q of Part 2 of this Schedule (change of use)**

### Conditions

**F.1 Development is permitted by Class F subject to the condition that where -**

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and**
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,**

**either the hard surface shall be made of porous materials, or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse**

The Department for Communities and Local Government has produced separate guidance on permeable paving. This can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7728/paving\\_frontgardens.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/paving_frontgardens.pdf)

## Class G – chimney, flues etc

This provides permitted development rights for the installation, alteration or replacement of a chimney, flue or soil and vent pipe on a dwellinghouse.

### ***G.1 Development is not permitted by Class G if -***

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)***
- (b) the height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more or***
- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-***
  - (i) fronts a highway, and***
  - (ii) forms either the principal elevation or a side elevation of the dwellinghouse.***

Guidance on the terms 'highest part of the roof', 'fronts a highway' and 'principal' and 'side' elevations can be found in the 'General Issues' section and under Class A.

## Class H – microwave antenna

This provides permitted development rights for the installation, alteration or replacement of a microwave antenna, such as a satellite dish, on a house or within the curtilage of a house.

### ***H.1 Development is not permitted by Class H if -***

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, PA or Q of Part 2 of this Schedule (change of use)***
- (b) it would result in the presence on the dwellinghouse or within its curtilage of-***
  - (i) more than 2 antennas;***
  - (ii) a single antenna exceeding 1metre in length;***
  - (iii) 2 antennas which do not meet the relevant size criteria;***
  - (iv) an antenna installed on a chimney, where the length of the antenna would exceed 0.6 metres;***
  - (v) an antenna installed on a chimney, where the antenna would protrude above the chimney; or***
  - (vi) an antenna with a cubic capacity in excess of 35 litres***
- (c) in the case of an antenna to be installed on a roof without a chimney, the highest part of the antenna would be higher than the highest part of the roof***
- (d) in the case of an antenna to be installed on a roof with a chimney, the highest part of the antenna would be higher than the highest part of the chimney, or 0.6 metres measured from the highest part of the ridge tiles of the roof, whichever is the lower or***
- (e) in the case of article 2(3) land, it would consist of the installation of an antenna -***
  - (i) on a chimney, wall or roof slope which faces onto, and is visible from, a highway;***
  - (ii) in the Broads, on a chimney, wall or roof slope which faces onto, and is visible from, a waterway; or***
  - (iii) on a building which exceeds 15 metres in height***

## Conditions

***H.2 Development is permitted by Class H subject to the following conditions -***

- (a) an antenna installed on a building shall, so far as practicable, be sited so as to minimise its effect on the external appearance of the building and***
- (b) an antenna no longer needed for reception or transmission purposes shall be removed as soon as reasonably practicable.***

## Interpretation of Class H

***H.3 For the purposes of Class H –***

- (a) the relevant size criteria for the purposes of paragraph H.1(b)(iii) are that –***
  - (i) only one of the antennas may exceed 0.6 metres in length; and***
  - (ii) any antenna which exceeds 0.6 metres in length must not exceed 1 metre in length.***
- (b) the length of the antenna is to be measured in any linear direction, and shall exclude any projecting feed element, reinforcing rim, mounting or brackets.***

Guidance on the 'highest part of the roof' is covered under Class A (c) (see page 11).



Report author: Phil Ward  
Tel: 247 8146

## Report of Chief Planning Officer

## Report to Joint Plans Panel

**Date: 14 July 2016**

## Subject: Buildings at Risk

|                                                                                                                                              |                              |                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------|------------------------------|----------------------------------------|
| Are specific electoral Wards affected?<br>If relevant, name(s) of Ward(s):                                                                   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Are there implications for equality and diversity and cohesion and integration?                                                              | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Is the decision eligible for Call-In?                                                                                                        | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Does the report contain confidential or exempt information?<br>If relevant, Access to Information Procedure Rule number:<br>Appendix number: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

## Summary of main issues

1. A Building at Risk is a listed building at risk from neglect and decay rather than alteration.
2. There is an ongoing survey of listed buildings to establish an accurate register of Buildings at Risk.
3. There are 89 known Buildings at Risk which account for 3.6% of the total of listed buildings in the city. The City Council owns 18 Buildings at Risk.
4. The City Council has a strategy to deal with Buildings at Risk which has assisted with 11 buildings being repaired since the last report in 2015.

## Recommendations

- 1 Note the contents of this report, in particular that work is progressing towards reducing the number of Buildings at Risk in the city.
- 2 Report to Derelict and Nuisance Sites Steering Group on the findings of the pilot Buildings at Risk survey.

### **3 Purpose of this report**

- 3.1 To inform Joint Plans Panel of Buildings at Risk and the efforts that are being made to address this issue by securing emergency repairs and securing new uses.

### **4 Background information**

- 4.1 A Building at Risk is a listed building at risk from neglect and decay rather than alteration. There is a standard methodology for identifying listed buildings at risk which allows the Council to track changes over time and also to draw comparisons with other authorities.
- 4.2 The Buildings at Risk Register (appendix 1) lists the listed buildings “at risk”. It enables the Council to prioritise intervention which can range from partnership working with owners to the use of statutory powers to carry out repairs.

### **5 Main issues**

#### **5.1 Buildings at Risk Survey**

- 5.1.1 An ongoing Building at Risk survey is being carried out by volunteers under the joint management of the City Council and Leeds Civic Trust which will give an up-to-date and comprehensive picture of the condition of listed buildings when it is finished by the end of this year.
- 5.1.2 The initial results of the survey suggest that number of Buildings at Risk is likely to be lower than was previously thought.

#### **5.2 Buildings at Risk Register**

- 5.2.2 The Buildings at Risk Register at Appendix 1 lists the 89 Buildings at Risk which are known to be at risk, accounting for 3.6% of the total of listed buildings in the city. This is a reduction of 11 buildings since last year’s report which is the result of properties being refurbished and also improved information.
- 5.2.3 The City Council owns 14 Buildings at Risk (marked with a Y in the right hand column of the register), which is disproportionately high. This is a decrease in the 16 reported to Joint Plans Panel last year which is due to the properties no longer being in Council ownership.

#### **5.3 Priorities**

- 5.3.1 The priorities for 2016-2017 are set out in appendix 2 below with a summary of the action taken so far. Priority has been given to higher grade listed buildings (grade I and II\*) and those with significant regeneration potential (the “Big Five”).
- 5.3.2 Members have previously shown a keen interest in the First White Cloth Hall, one of Leeds’ most important listed buildings, which has been derelict for many decades. Significant progress has been made in securing funding for the restoration of the First White Cloth Hall with substantial amounts offered by the Heritage Lottery Fund and Historic England. A feasibility study has been carried out which has identified a

viable option and negotiations are ongoing to secure the freehold of the building. Work on restoring the building is due to be complete in 2019.

5.3.3 In addition to the priority cases, good progress has been made towards the refurbishment and re-use of several other Buildings at Risk.

- Mike's Carpets, Stanningley Road, Armley, is undergoing a high quality refurbishment. This has received funding from the Heritage Lottery Fund and the City Council through the Armley Townscape Heritage Initiative.
- Former Highroyds Hospital (now Chevin Park), Menston is undergoing conversion to residential use with at least two thirds of this large complex of listed buildings completed. Work is due to start on the main block in 2017.
- St John's Church, Roundhay, is being repaired having being closed as a church for several years. It is intended to reopen as a place of worship, possibly in association with a wider community use.
- York Road Library is being stabilised structurally after many years of neglect. This is in advance of refurbishment for a new use.
- Drighlington Junior School, Whitehall Road has undergone conversion to residential use.

5.3.4 The City Council-owned Buildings at Risk are a diverse range of buildings which can be divided into two groups: those within the 'civic estate', which the Council will retain, and those which it may dispose of. The first group is the most challenging given the competing calls on the City Council's budget and may require bids to outside agencies such as the Heritage Lottery Fund.

## **5.3 Consultation and Engagement**

### **5.1 Consultation and Engagement**

6.1.1 This report is presented for information, therefore there has not been the need for consultation.

### **5.2 Equality and Diversity / Cohesion and Integration**

5.2.1 There are no specific equality considerations arising from this report, as such it has not been necessary to prepare an Equality Impact Assessment.

### **5.3 Council policies and City Priorities**

5.3.1 The strategy and actions are consistent with the Core Strategy which seeks to secure the retention, continued use and proper maintenance of listed buildings. They are also consistent with the aims of Best Council Plan, particularly the objective to promote sustainable and inclusive growth.

### **5.4 Resources and value for money**

- 5.4.1 There are no implications for resources. Addressing disrepair is a cost saving in the long term.

## **5.5 Legal Implications, Access to Information and Call In**

- 5.5.1 None

## **5.6 Risk Management**

- 5.6.2 None

## **6 Conclusions**

- 6.1 The ongoing survey of the city's listed buildings (2,340 in total) has shown that the number of listed buildings at risk of neglect has reduced since the last report, due in part to refurbishment promoted by the city council. Resources are being concentrated on five priorities (the "Big Five") but the Council is also involved in the repair of numerous other Buildings at Risk with some notable successes. The number of Council-owned Buildings at Risk is being reduced mostly through disposal.

## **7 Recommendations**

- 7.1 Joint Plans Panel is asked to note the contents of this report, in particular that work is progressing towards reducing the number of Buildings at Risk in the city.
- 7.2 Report to Derelict and Nuisance Sites Steering Group on the findings of the pilot Buildings at Risk survey.

## **8 Background documents**

- 8.1 None

## Appendix 1: Buildings at Risk Register 2016-2017

| <b>Table 2: Buildings at Risk in Leeds</b>                                                                 |                           |                  |
|------------------------------------------------------------------------------------------------------------|---------------------------|------------------|
| <b>Address</b>                                                                                             | <b>Ward</b>               | <b>LCC owned</b> |
| Adel Reformatory                                                                                           | Adel and Wharfedale       | Y                |
| Barn east of Old Hall Farm, Main Street                                                                    | Ardsley and Robin Hood    |                  |
| Thorpe Hall, Thorpe Lane                                                                                   | Ardsley and Robin Hood    |                  |
| Armley Park Plaque approximately 40 metres east of Fountain, Stanningley Road                              | Armley                    | Y                |
| Armley Park Plaque Approximately 40 metres west of Fountain, Stanningley Road                              | Armley                    | Y                |
| Redcote Canal Bridge (Bridge 224), Redcote Lane                                                            | Armley                    |                  |
| Weir and Sluice Gates at NGR 2658 3497 Approximately 450 metres North West of Burley Mills, Kirkstall Road | Armley                    |                  |
| Weir on River Aire at NGR 2655 3488, Kirkstall Road                                                        | Armley                    |                  |
| Thorpe Hall, Middleton Lane                                                                                |                           |                  |
| Pair of Lamp Posts Approximately 3 metres to West of Church of St Thomas, Stanningley Road                 | Bramley&Stanningley       |                  |
| Weir and retaining walls on the River Aire, Pollard Lane, Leeds, LS4                                       | Bramley&Stanningley       |                  |
| Monument to Sarah Kidney, Beckett Street Cemetery                                                          | Burmantofts&Richmond Hill |                  |
| Mount St Mary's Church, Church Road, Richmond Hill                                                         | Burmantofts&Richmond Hill |                  |
| York Road Library                                                                                          | Burmantofts&Richmond Hill |                  |
| Mansion at former Chapel Allerton Hospital                                                                 | Chapel Allerton           |                  |
| 66 and 68, Armley Road                                                                                     | City&Hunslet              |                  |
| Former Majestic Cinema, City Square                                                                        | City&Hunslet              |                  |
| Hunslet Mill, 23 and 25 Goodman Street                                                                     | City&Hunslet              |                  |
| 21A Goodman Street                                                                                         | City&Hunslet              |                  |
| Drying House to Victoria Mill, Atkinson Street                                                             | City&Hunslet              |                  |
| Victoria Mill, Atkinson Street                                                                             | City&Hunslet              |                  |
| 37 and 39, Hunslet Road and 6 and 8, Sheaf Street                                                          | City&Hunslet              |                  |
| 41 and attached wall and railings, 41 Hunslet Road and 10 Sheaf Street                                     | City&Hunslet              |                  |
| 16 and 18 Crown Point Road, 35 Hunslet Road and 2 and 4 Sheaf Street                                       | City&Hunslet              |                  |
| First White Cloth Hall, 98-101, Kirkgate                                                                   | City&Hunslet              |                  |
| Templar House, Lady Lane                                                                                   | City&Hunslet              |                  |
| Temple Mill, Marshall Street, Holbeck                                                                      | City&Hunslet              |                  |
| Gate lodge at Temple Mill, Holbeck                                                                         | City&Hunslet              |                  |
| Dovecote attached to Manston Hall Farm, Manston Lane                                                       | Cross Gates&Whinmoor      |                  |
| Gazebo and cart-shed to Farnley Hall, Hall Lane                                                            | Farnley&Wortley           | Y                |
| Meter House and two cottages south west of Stonebridge Mills, Stonebridge Lane                             | Farnley&Wortley           |                  |
| The Old Mill, Engine House and Boiler House at Stonebridge Mills, Stonebridge Lane                         | Farnley&Wortley           |                  |
| Row of workshops to the north of Stonebridge Mills, Stonebridge Lane                                       | Farnley&Wortley           |                  |
| High Royds Hospital, Bradford Road                                                                         | Guiselley&Rawdon          |                  |
| 197 Main Street, Shadwell                                                                                  | Harewood                  |                  |
| Milepost at NGR 351409, Bay Horse Lane                                                                     | Harewood                  |                  |
| Cottage opposite Gateways School, Harrogate Road                                                           | Harewood                  |                  |
| Forge House, Home Farm                                                                                     | Harewood                  |                  |

|                                                                                                          |                        |   |
|----------------------------------------------------------------------------------------------------------|------------------------|---|
| The Old Corn Mill, Harrogate Road                                                                        | Harewood               |   |
| Coachhouse at Arncliffe, 22 Shire Oak Road                                                               | Headingley             |   |
| Eleanor Lupton Centre, Headingley Lane                                                                   | Headingley             |   |
| Summerhouse at Arncliffe, 22 Shire Oak Road                                                              | Headingley             |   |
| Former Corn Mill Building, Corn Mill Fold, Low Lane, Horsforth                                           | Horsforth              |   |
| K6 Telephone Kiosk adjacent to the Old Kings Arms Public House, The Green                                | Horsforth              |   |
| The Tower of Woodhouse Grove School, Apperley Lane                                                       | Horsforth              |   |
| Mawer Memorial approximately 20 metres south west of tower of Church of St Mark, St Mark's Road          | Hyde Park & Woodhouse  |   |
| Memorial to Queen Victoria, Woodhouse Moor                                                               | Hyde Park & Woodhouse  | Y |
| Fearnville, Dib Lane                                                                                     | Killingbeck & Seacroft |   |
| 33-37 High Street, Kippax                                                                                | Kippax & Methley       |   |
| Ledston Hall                                                                                             | Kippax & Methley       |   |
| Ledston Luck Colliery winding house, Barnsdale Road, Kippax                                              |                        |   |
| 13 and Abbey Mills, 13 Abbey Road                                                                        | Kirkstall              | Y |
| Ford and Weir on river Aire                                                                              | Kirkstall              |   |
| Kirkstall Forge buildings with halve hammers, slitting mill machinery, Abbey Road                        | Kirkstall              |   |
| Kirkstall Forge former cottages now offices, Abbey Road                                                  | Kirkstall              |   |
| Kirkstall Forge former stables now garages, Abbey Road                                                   | Kirkstall              |   |
| The Rising Sun Public House, 290 Kirkstall Road                                                          | Kirkstall              |   |
| Stank Hall Barn, Dewsbury Road                                                                           | Middleton Park         | Y |
| Stank Hall, Dewsbury Road                                                                                | Middleton Park         | Y |
| New Hall, Dewsbury Road                                                                                  | Middleton Park         | Y |
| Meanwood Hall, Parkside Road, Meanwood                                                                   | Moortown               |   |
| Coach House to the north of Croft House                                                                  | Morley House           |   |
| Croft House, Rods Mill Lane                                                                              | Morley South           |   |
| Church of St Mary-on-the-Hill, Troy Road                                                                 | Morley South           |   |
| Scatcherd Mausoleum, Church of St Mary-on-the-Hill, Troy Road                                            | Morley South           |   |
| Pair of K6 Telephone Kiosks, Market Place, Otley                                                         | Otley & Yeadon         |   |
| 19, Crow Lane, Otley                                                                                     | Otley & Yeadon         |   |
| Garden Alcove in the Garden at rear of 6, Boroughgate, Otley                                             | Otley & Yeadon         | Y |
| The Mechanics' Institute, 4-8 [even], Cross Green, Otley                                                 | Otley & Yeadon         | Y |
| Pair of Cemetery Chapels at Otley Cemetery, Cross Green, Otley                                           | Otley & Yeadon         | Y |
| Clumpcliffe Gazebo, Methley Lane                                                                         | Rothwell               |   |
| Kennels east side, south of gazebo, Methley Lane                                                         | Rothwell               |   |
| Kennels west side, south of gazebo, Methley Lane                                                         | Rothwell               |   |
| Former Fotherwell Infants School, Carlton Lane                                                           | Rothwell               |   |
| Barn South of Roundhay Grange                                                                            | Roundhay               |   |
| Pigeon House 150m to NW of Red Hall House, Red Hall Lane                                                 | Roundhay               | Y |
| Fountain, Temple Newsam Park                                                                             | Temple Newsam          | Y |
| Little Temple, Temple Newsam Park                                                                        | Temple Newsam          | Y |
| Boundary wall to north, Temple Newsam Park                                                               | Temple Newsam          | Y |
| Bridge over Avenue Ponds, Temple Newsam Park                                                             | Temple Newsam          | Y |
| Barn and outbuildings at Park Farmhouse, Park Farm, Colton                                               | Temple Newsam          | Y |
| Ida Convalescent Hospital, Hospital Lane, Ireland Wood                                                   | Weetwood               |   |
| Old block at Cookridge Hospital, Hospital Lane, Ireland Wood                                             | Weetwood               |   |
| Smithy to rear of number 11 The Green, Thorpe Arch                                                       | Wetherby               |   |
| Font bowl adjacent to north west buttress of tower of Church of All Saints, Church Causeway, Thorpe Arch | Wetherby               |   |
| Cartshed/granary at Hall Farm approximately 120 metres to south west of farmhouse                        | Wetherby               |   |
| 62, High Street, Clifford, LS23                                                                          | Wetherby               |   |
| Outbuildings approx. 10 metres south east of 62 High Street                                              | Wetherby               |   |
| Barn on north side of farmyard adjacent to west side of Headley Hall, Spen Common Lane, Bramham Moor     | Wetherby               |   |

## Appendix 2: “Big Five” Building at Risk Priorities 2016-2017

| Building at Risk                                | Summary of action taken                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| First White Cloth Hall, Kirkgate (Grade II*)    | <ul style="list-style-type: none"> <li>• Further urgent repairs carried out following service of urgent works notice on the owner.</li> <li>• Heritage Lottery Fund and English Heritage grant aid secured (approx. £0.75 million).</li> <li>• Feasibility study to identify viable project leading to rebuilding and re-use.</li> <li>• Negotiations ongoing with owner to secure an option for long term lease.</li> <li>• Discussions ongoing with owner about further urgent works.</li> </ul> |
| Temple Mill and Temple Lodge, Holbeck (Grade I) | <ul style="list-style-type: none"> <li>• Temporary support and roof covering installed. Façade partly rebuilt.</li> <li>• Structural surveys and repair options carried out.</li> <li>• Ongoing discussion with owner and potential partners to find sustainable use which will lead to restoration.</li> <li>• Urgent works carried by owner to make roof weathertight.</li> </ul>                                                                                                                |
| Stank Hall Barn, Beeston (Grade II*)            | <ul style="list-style-type: none"> <li>• Temporary roof installed and improved perimeter fencing erected.</li> <li>• Condition survey carried out to identify further emergency works and cost of carrying out full refurbishment and inform feasibility study.</li> <li>• Project team formed to realise a sustainable new use.</li> </ul>                                                                                                                                                        |
| Hunslet Mill                                    | <ul style="list-style-type: none"> <li>• Project team formed to steer project to realise a sustainable new use.</li> <li>• Discussion with owner about viability of re-use.</li> <li>• Valuation and condition reports commissioned to establish viability of different uses.</li> </ul>                                                                                                                                                                                                           |
| Thorpe Hall, Thorpe on the Hill (Grade II*)     | <ul style="list-style-type: none"> <li>• Project Team established to establish viable development, including enabling land.</li> <li>• Urgent works requested by City Council.</li> </ul>                                                                                                                                                                                                                                                                                                          |

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