

READING BOROUGH COUNCIL

REPORT BY DIRECTOR OF ECONOMIC GROWTH & NEIGHBOURHOOD SERVICES

TO:	PLANNING APPLICATIONS COMMITTEE		
DATE:	29 March 2023		
TITLE:	CONSULTATION ON CHANGES TO THE GDPO		
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1. PURPOSE AND SUMMARY OF REPORT

- 1.1 To advise Committee of consultations currently underway by Government, which will impact on the planning service. There is also a consultation on proposed fee increases and Performance improvement discussed in a separate report.
- 1.2 Committee is asked to note the contents of this report and to endorse the responses proposed by Officers as shown in appendix 1.

2. RECOMMENDED ACTION

- 2.1 That you note the report,
- 2.2 That you endorse the officer responses as set out in appendix 1.

3. BACKGROUND

- 3.1 This consultation is on proposed changes to the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended. It covers the following areas:
 - A new permitted development right to support temporary recreational campsites.
 - Changes to the existing permitted development rights for solar equipment and a new permitted development right for solar canopies.
 - Amendment to the existing permitted development right which allows local authorities to undertake certain development. This change would allow bodies to undertake the work on behalf of the local authority.
 - Changes to the existing permitted development right allowing for the temporary use of buildings or land for film-making purposes.

This consultation began on 28 February and runs to 25 April 2023

4. THE CHANGES BEING PROPOSED.

Temporary use of land for recreational campsites

- 4.1 The paper explains that "... the government recognises the importance of supporting the local tourism industry and domestic holidaymakers to ensure that as many people as possible can enjoy summer breaks in England". It is proposed that a new permitted development right would allow for the temporary use of land for recreational campsites with a limit of no more than 30 tents to be erected on the land at any one time. Also included is the provision of moveable structures related to the campsite use, such as portable toilets. The new right would not allow for the siting of caravans, motorhomes and campervans.
- 4.2 The right would be subject to limitations and conditions to control impacts and protect local amenity and would not override separate consents under other regulatory regimes that may be required or land ownership or owner consent.
- 4.3 Comments are also sought whether this temporary use should be subject to prior approval requiring the site owner or operator to notify their local authority annually before a recreational campsite commences.

Changes to allow for the installation of solar equipment on and within the curtilages of domestic and non-domestic buildings

- 4.4 An existing permitted development right (under Class A of Part 14) allows for the installation, alteration or replacement of microgeneration solar photovoltaic or solar thermal equipment on a dwellinghouse or a block of flats, or a building situated within the curtilage of a dwellinghouse or a block of flats. One of the conditions requires that solar equipment on domestic rooftops do not protrude more than 0.2 metres beyond the plane of the wall or the roof slope when measured from the perpendicular with the external surface of the wall or roof slope, and it cannot result in the highest part of the equipment being higher than the highest part of the roof (excluding any chimney). This in effect means that homes with flat roofs cannot use the right.
- 4.5 The proposed change would extend the permitted development right to apply to domestic buildings with flat roofs. The idea is to keep the existing limitation but specify that this applies to pitched roofs only and to specify that solar panels can be installed on a flat roof, where the highest part of the solar PV equipment would not be higher than 0.6 metres above the highest part of the roof (excluding any chimney).
- 4.6 It is also proposed to remove the limitation that prevents the installation of solar equipment on a wall of a domestic property fronting a highway in a conservation area.
- 4.7 Views are sought on other ideas that would support the deployment of rooftop solar generating equipment.

Amendment to the existing permitted development right allowing certain forms of development to be undertaken by local authorities, including the installation of electric vehicle charging points. This change would allow bodies to undertake the work on behalf of the local authority.

- 4.8 Class A of Part 12 of GDPO allows local authorities to carry out various development in connection with its duties, such as installing new street furniture and equipment, including electric vehicle (EV) charging points. The consultation seeks views on allowing development undertaken by others on behalf of the local authority to also be permitted development. The consultation specifically refers to charge point providers installing public EV charge points but would extend to other similar work carried out on behalf of a local authority.

Amendments to the existing permitted development right which allows for the temporary use of buildings or land for film-making purposes to provide further flexibility to production crews and film makers.

- 4.9 The changes would increase the period of time that the right can be used and increase the maximum area of land and height of temporary structures that can be used for film-making purposes.

5. OFFICER COMMENTS

- 5.1 Officers have provided their draft answers to the questions as posed and these can be seen at appendix 1.
- 5.2 Initial thoughts on the temporary camping proposal were that we would have no comment but on further reflection having done some calculations and thinking of what could go wrong have opted with disagreeing with the proposal. 30 tents could mean anything between 30 people or 120 people if the size of tent is not specified. That then leads to the question of sanitation, water and energy supplies, pollution, traffic and disturbance to neighbours. The policing of these sites will inevitably fall on the local authority to deal with and therefore officers consider that proposals for these uses should be subject to planning applications with an appropriate fee based on site area and consultations.
- 5.3 The proposed relaxation (para 4.6 above) to allow solar installations on flat roofs is welcome but the relaxation for principal elevations in conservation areas does raise concerns. Officers are mindful of how jarring modern additions (eg; satellite dishes, external lighting or CCTV cameras) can appear in conservations areas and consider that in these locations the balance between renewable energy and heritage should be in favour of protecting the character and appearance of the conservation area.

Planning applications should be submitted and each application considered on its merits with encouragement given if discreet solutions can be found.

5.4 The proposed changes to Class 12 recognises that many local authorities do not have in house contractors with the expertise to install EV charging points and that many contract out works to other local businesses. The criteria to comply with Class 12 it is presumed will require evidence of an existing contractual arrangement.

5.5 Officers have no comment on the film making related permitted development right.

6. ENVIRONMENTAL AND CLIMATE IMPLICATIONS

6.1 The Council declared a Climate Emergency at its meeting on 26 February 2019 (Minute 48 refers).

6.2 The objective to allow more properties (flat roofed houses) to benefit from solar panel installations to generate energy is welcome, as is the proposal to allow local authorities to speed up installing points for EV charging by extending Class 12 works to be carried out by contractors engaged by the local authority. It is not clear

7. CONTRIBUTION TO STRATEGIC AIMS

7.1 The proposed changes have the potential of contributing positively to the themes of the Council's Corporate Plan:

1. Healthy Environments
2. Thriving Communities
3. Inclusive Economy

8. COMMUNITY ENGAGEMENT AND INFORMATION

8.1 The proposed changes would not impact on current arrangements for community engagement or public consultation. Statutory consultation takes place in connection with applications for prior approval as specified in the Order.

9. EQUALITY IMPACT ASSESSMENT

9.1 Where appropriate the Council must have regard to its duties under the Equality Act 2010, Section 149, to have due regard to the need to—

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 There are no direct implications arising from the topics in this report.

10. LEGAL IMPLICATIONS

11.1 No direct legal implications.

11. FINANCIAL IMPLICATIONS

11.1 None directly from the consultation.

Background paper:

[Permitted development rights: supporting temporary recreational campsites, renewable energy and film-making consultation](#)

Temporary use of land for recreational campsites

Q1. Do you agree that a new permitted development right should be introduced that will allow the temporary use of land for recreational campsites and associated facilities? Yes/No/Don't Know. Please give your reasons.

Answer: No. The management of a campsite for up to 30 tents (potentially 60 people+) in terms of waste and noise and other forms of pollution needs careful consideration and consultation with the local residents most impacted. Requires enforcement to manage compliance.

Q2. Do you agree that the permitted development right should only apply to the placing of tents? Yes/No/Don't Know.

Answer: See above answer to Q1

Q3. Do you agree that the permitted development right should allow up to a maximum of 30 tents to be erected on the land? Yes/No/Don't Know. Please give your reasons. If you have responded no, please provide your alternative suggestion and justification.

Answer: Halve the number of tents to 15 to test impact and management ability of organiser.

Q4. Do you agree that the permitted development right should be limited to up to 60 days per calendar year? Yes/No/Don't Know. Please give your reasons. If you have responded no, please provide your alternative suggestion and justification.

Answer: If this does go ahead a limit of 60 consecutive days sounds reasonable.

Q5. Do you agree that the permitted development right should require the provision of temporary on-site facilities to provide waste disposal, showers and toilets? Yes/No/Don't Know. Please give your reasons and provide details of any other facilities that should be required.

Answer: Yes - plus details of management regime and agreement from contractors.

Q6. Do you agree that the permitted development right should not apply on land which is in or forms part of sites of special scientific interest, Scheduled Monuments, safety hazard areas, military explosives storage areas and land within the curtilage of a listed building? Yes/No/Don't Know.

Answer: Yes

Q7. Are there any other planning matters that should be considered? Yes/No/Don't Know. Please specify.

Answer: Ecological sites, AWE exclusion sites or similar.

Q8. Do you agree that the permitted development right should require annual prior notification to the local authority of the matters set out above? Yes/No/Don't Know.

Answer: Yes: To allow annual monitoring

Q9. Do you think that, in areas of flood risk, the right should allow for prior approval with regard to flooding on the site? Yes/No/Don't Know.

Answer: No

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

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

Answer: Do not intend to answer this one.

Q11. Do you think that proposed changes in relation to a new permitted development right for temporary recreational campsites could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation). Yes/No/ Don't know. If so, please give your reasons.

Answer: No

Changes to allow for the installation of solar equipment on and within the curtilages of domestic and non-domestic buildings

Q12. Should the permitted development right for solar on domestic rooftops be amended so that they can be installed on flat roofs where the highest part of the equipment would be no higher than 0.6 metres above the highest part of the roof (excluding any chimney)? Yes/No/Don't Know.

Answer: Yes - would open up more opportunities for residents to diversify in energy generation.

Q13. Are there any circumstances where it would not be appropriate to permit solar on flat roofs of domestic premises? Yes/No/Don't Know.

Answer: Yes – perhaps not within 2 metres of an adjacent property with a side or rear facing window?

Q14. Do you agree that solar on a wall which fronts a highway should be permitted in conservation areas? Yes/No/Don't know.

Answer: No - modern additions can appear intrusive in conservations areas and in these locations the balance between renewable energy and heritage should be in favour of protecting the character and appearance of the conservation area. Planning applications should be submitted and each application considered on its merits with encouragement given if discreet solutions can be found.

Q15. Do you have any views on the other existing limitations which apply to this permitted development right which could be amended to further support the deployment of solar on domestic rooftops? Yes/No/Don't Know.

Answer: Don't know

Q16. Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the dwellinghouse in conservation areas, should be removed? Yes/No/Don't know.

Answer: No - modern additions can appear intrusive in conservations areas and in these locations the balance between renewable energy and heritage should be in favour of protecting the character and appearance of the conservation area. Planning applications should be submitted and each application considered on its merits with encouragement given if discreet solutions can be found.

Q17. Do you have any views on how the other existing limitations which apply to this permitted development right could be amended to further support the deployment of stand-alone domestic solar? Yes/No/Don't know..

Answer: Don't know

Q18. Do you agree that the current threshold permitting the generation of up to 1MW of electricity on non-domestic buildings should be removed? Yes/No/ Don't Know. Please give your reasons.

Answer: Don't know

Q19. Is the current prior approval for solar equipment on non-domestic rooftops (where equipment is over 50kW but no more than 1MW) effective? Yes/No/ Don't Know.

Answer: Don't know

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

Answer: Don't know

Q21. Do you agree that the existing limitations relating to the installation of solar on non-domestic buildings in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed? Yes/No/Don't know.

Answer: No - modern additions can appear intrusive in these areas and in these locations the balance between renewable energy and appearance and heritage should be in favour of protecting the character and appearance of the area. Planning applications should be submitted and each application considered on its merits with encouragement given if discreet solutions can be found.

Q22. Do you have any views on how the other existing limitations which apply to the permitted development right could be amended to further support the deployment of solar on non-domestic rooftops? Yes/No/Don't know.

Answer: Don't know

Q23. Do you agree that the existing limitation which prevents stand-alone solar being installed so that it is closer to the highway than the building in article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites – should be removed? Yes/No/Don't know.

Answer: No - modern additions can appear intrusive in these areas and in these locations the balance between renewable energy and appearance and heritage should be in favour of protecting the character and appearance of the area. Planning applications should be submitted and each application considered on its merits with encouragement given if discreet solutions can be found.

Q24. Do you have any views on how the other existing limitations which apply to this permitted development right could be amended to further support the deployment of stand-alone non-domestic solar? Yes/No/Don't know.

Answer: Don't know

Q25. Do you agree that permitted development rights should enable the installation of solar canopies in ground-level off-street car parks in non-domestic settings? Yes/No/Don't Know.

Answer: Yes – to facilitate the use of these areas to generate energy.

Q26. Do you agree that a permitted development right for solar canopies should not apply on land which is within 10 metres of the curtilage of a dwellinghouse? Yes/No/Don't Know.

Answer: Don't know

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

Answer: No - modern additions can appear intrusive in these areas and in these locations the balance between renewable energy and appearance and heritage should be in favour of protecting the character and appearance of the area. Planning applications should be submitted and each application considered on its merits with encouragement given if discreet solutions can be found.

Q28. Do you agree that the permitted development right would not apply to article 2(3) land - which includes conservation areas, Areas of Outstanding Natural Beauty, the Broads, National Parks and World Heritage Sites? Yes/No/Don't Know.

Answer: No - modern additions can appear intrusive in these areas and in these locations the balance between renewable energy and appearance and heritage should be in favour of protecting the character and appearance of the area. Planning applications should be submitted and each application considered on its merits with encouragement given if discreet solutions can be found.

Q29. Do you agree that solar canopies should be permitted up to 4 metres in height? Yes/No/Don't Know.

Answer: Don't know. Seems too tall but not sure if would be practical to have lower than 4 metres.

Q30. Do you think that the right should allow for prior approval with regard to design, siting, external appearance and impact of glare? Yes/No/Don't Know.

Answer: Yes – the prior approval should allow consideration of these issues for safety and amenity reasons.

Q31. Are there any other limitations that should apply to a permitted development right for solar canopies to limit potential impacts? Yes/No/Don't Know.

Answer: Don't know

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

Answer: Don't know

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

Answer: No

Amendment to the existing permitted development right allowing certain forms of development to be undertaken by local authorities to allow bodies to undertake the work on behalf of the local authority.

Q34. Do you agree that the permitted development right allowing for development by local authorities should be amended so that the development permitted can also be undertaken by a body acting on behalf of the local authority? Yes/No/Don't Know.

Answer: Yes – subject to conditions of evidence of existing contractual arrangement to cover works specified

Q35. Do you think that any of the proposed changes in relation to the permitted development right could impact on: a) businesses b) local planning authorities c) communities? Yes/No/Don't know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Answer: Don't know

Q36. Do you think that proposed changes in relation to the permitted development right could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)? Yes/No/ Don't know. If so, please give your reasons.

Answer: No

Amendments to existing permitted development right which allows for the temporary use of buildings or land for film-making purposes to provide further flexibility to production crews and film makers.

Q37. Do you agree that the maximum period of time land or a building can be used for the purpose of commercial film making should be increased to 12 months in any 27 month period? Yes/No/Don't Know.

Answer: Don't know

Q38. Do you agree that the maximum area of land or land on which the building is situated being used for the purposes of film making should be increased to 3 hectares? Yes/No/Don't Know.

Answer: Don't know

Q39. Do you agree that the maximum height of any temporary structure, works, plant or machinery allowed for under the right should be increased to 20 metres? Yes/No/Don't Know.

Answer: Don't know

Q40. Do you think that any of the proposed changes in relation to the permitted development right could impact on: a) businesses b) local planning authorities c) communities? Yes/No/Don't know. Please give your reasons. It would be helpful if you could specify whether your comments relate to a) business, b) local planning authorities, or c) communities, or a combination.

Answer: Don't know

Q41. Do you think that proposed changes in relation to the permitted development right could give rise to any impacts on people who share a protected characteristic? (Age; Disability; Gender Reassignment; Pregnancy and Maternity; Race; Religion or Belief; Sex; and Sexual Orientation)? Yes/No/ Don't know. If so, please give your reasons.

Answer: No