

Town Planning – Coronavirus Update

In response to the Coronavirus Pandemic, Government and Local Planning Authorities are looking at ways to maintain Planning and Development Control activities. Below is an update of the latest information for different town planning areas relevant to NHSPS.

For further advice or support, do not hesitate to get in touch with myself (mark.adams@property.nhs.uk) or another member of the Town Planning team (details below).

<p>Permitted Development Rights</p>	<p><u>The Town and Country Planning (General Permitted Development etc.) (England) (Amendment) (No. 3) Order 2021</u></p> <p><u>Time-limited emergency Health Service Permitted Development Rights Extended.</u></p> <p>On 9 April 2020 a time-limited permitted development right was introduced by the Town and Country Planning (General Permitted Development) (Coronavirus) (England) (Amendment) Order 2020 (SI 2020/412) allowing local authorities and health service bodies to facilitate the development and change of use of premises in response to the coronavirus pandemic without the requirement to submit a planning application (Part 12A of Schedule 2 to the General Permitted Development Order).</p> <p>This right has been used widely to deliver the Nightingale Hospitals and support the rollout of the vaccination programme. This right was introduced for a limited duration until 31 December 2020 and later extended until 31 December 2021 by the Town and Country Planning (General Permitted Development) (England) (Amendment) Regulations (SI 2020/1243).</p> <p>Article 7 of the updated order (laid before parliament 20th December 2021) further extends these emergency rights for another year until <u>31 December 2022.</u></p> <p>Other than the updated date, all other conditions and considerations remain from the previous legislation, which is outlined below:</p> <p>Part 12A Class A - Emergency development by a local authority or health service body</p> <p>The amendment made by this instrument provides permitted development rights for development which could be used for the provision of additional <u>temporary</u> health and local authority facilities until 31 December 2022, in response to the coronavirus pandemic.</p> <p>This right recognises that the detail of any development required will not necessarily be known in advance and as such provides a broad right that recognises the emergency nature of the responses required. The right will enable development including, but not limited to, the change of use of existing premises; erection of temporary buildings, structures, plant and machinery; vehicle parking and storage space.</p> <p>Class A allows development across England, including in conservation areas, National Parks, the Broads and to a listed building. It does not remove the need for listed building consent should that be considered necessary.</p> <p>Class A1 sets out the <u>circumstances where development is not permitted</u> which are where the site is, or forms part of a site of special scientific interest (SSSI); is a military explosives storage area; or the site is a scheduled monument.</p> <p>Class A1 provides limitations of development within 5 metres of any boundary of the curtilage of a dwelling house and also provides limits on the height of any new building or any enlarged, improved or altered building, namely:</p> <ul style="list-style-type: none">d) the height of any new building exceeds—<ul style="list-style-type: none">i. a height of 6 metres above ground where any part of the new building is within 10 metres of any boundary of the land; or
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<p>Permitted Development Rights (Continued)</p>	<ul style="list-style-type: none">ii. the height of the highest part of the roof of the original building, or a height of 18 metres above the ground, whichever is the greater;e) the height of any building enlarged, improved or altered exceeds—<ul style="list-style-type: none">i. the height of the highest part of the roof of the original building, or a height of 6 metres above the ground, whichever is the greater, where any part of the enlarged, improved or altered building is within 10 metres of any boundary of the curtilage of the original building; orii. the height of the highest part of the roof of the original building, or a height of 18 metres above the ground, whichever is the greater; orf) any moveable structure, works, plant or machinery required temporarily and in connection with and for the duration of the development would be located in a position—<ul style="list-style-type: none">i. within 10 metres of any boundary of the curtilage of a dwellinghouse, orii. within 5 metres of any boundary of the land. <p>The instrument provides for a time limited right that will cease to have effect after 31 December 2022. Should the facilities be required beyond 31 December 2022 a planning application will need to be submitted.</p> <p>The right is subject to the condition that any buildings, plant, machinery, structures or erections permitted by Class A are removed before the expiry of a period of 12 months beginning with the date on which the use of the land ceases for the purposes of the right. Also within the same period the land is required to be restored to its condition before the development took place, or, if the developer is not also the local planning authority to such other state as may be agreed in writing between the local planning authority and the developer</p> <p>There is no application process, and health service bodies and local authorities who are not the planning authority are required only to notify the local planning authority of the use of the development on a site as soon as practicable after commencing development. We expect this will be by e-mail or in writing.</p> <p>NHSPS's Legal Team have also confirmed that NHS Property Services meet the definition of a 'Health Service Body' by being a company formed under section 223 of the Health and Social Care Act 2012, and wholly owned by the Secretary of State.</p> <p>For any further information, or to discuss any projects which can benefit from permitted development under Part 12A Class A please speak to a member of the town planning team using the details below.</p>
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Date of Issue - 4th February 2022

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