

*Householder Development
Consents Review*

Steering Group Report

Householder Development Consents Review Steering Group Report

On 5th May 2006 the responsibilities of the Office of the Deputy Prime Minister (ODPM) transferred to the Department for Communities and Local Government (DCLG)

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SECTION 1

Introduction

Aims of the Review

- 1.1 The Deputy Prime Minister announced the Householder Development Consents Review (HDCR) in January 2005 as part of ODPM's 5 Year Plan: 'Sustainable Communities: Homes for All'. The Review was undertaken by a Steering Group of senior ODPM officials and external experts and chaired by Dame Mavis McDonald, ODPM's Permanent Secretary until October 2005. The Steering Group's membership is listed at Annex 1.
- 1.2 The Review's Terms of Reference are set out at Annex 2. In summary, it was asked to examine ways to cut bureaucracy and improve procedures for householder applications while continuing to protect the local environment and ensure that the interests of neighbours and the wider community are represented.
- 1.3 The Review's priorities have been to respond to:
 - a significant growth in the number of planning applications for Householder Developments; and
 - evidence that the existing system for handling these applications is not user-friendly.

Box 1 Householder Planning Applications 1995- 2005 (000s)		
	Householder applications	All other applications
1995/96	158.5	283.8
2004/05	340.0	305.4
% increase	114.5	7.6

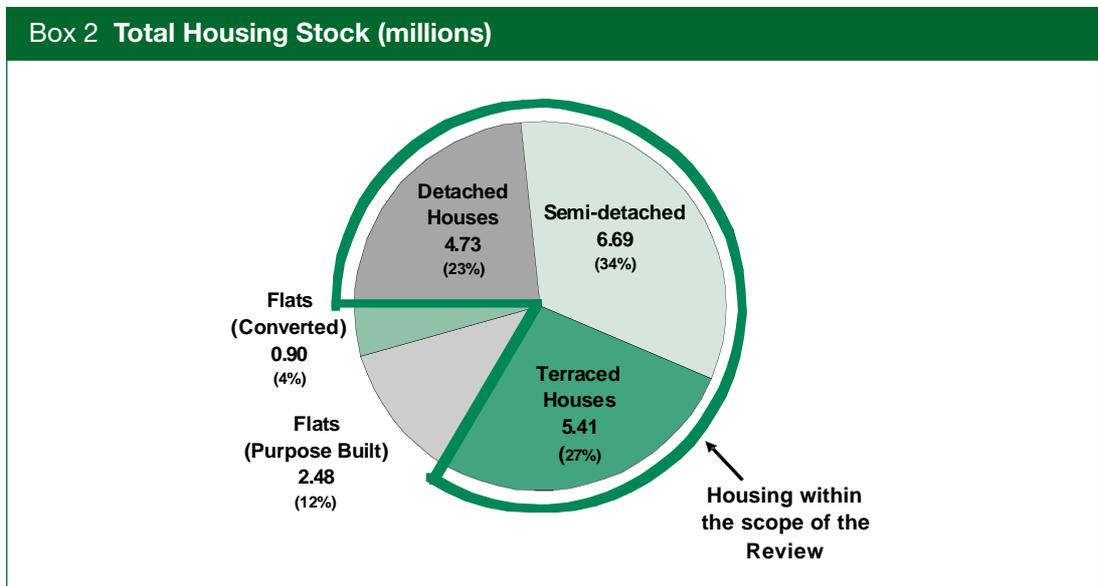
The Scope of the Review

- 1.4 The Steering Group has examined all the compliance regimes for which ODPM is primarily responsible relating to relatively minor developments by householders. These include planning permission, listed buildings consent, conservation area consent, tree applications and relevant procedural provisions of building regulations. Most attention has been paid to planning as this is where most questions have been raised about the proportionality of the existing regulations and the processes householders must follow to get consent for their work.

- 1.5 Broadly speaking, the Review has been concerned with developments within the ‘curtilage of an individual dwelling house’ as defined by the General Permitted Development Order (see paragraph 3.2 below). Around 16.8 million dwellinghouses fall within the scope of the Review representing 84% of England’s housing stock (see Box 2). They are divided in fairly equal proportions between detached, semi detached and terraced houses.

The Review’s Stakeholders

- 1.6 All these houses are peoples’ homes and as such they become items of intense personal attachment. They also represent the accumulation of significant private capital. This makes any changes – whether to one’s own property or to one’s neighbours – an extremely sensitive matter. Householders who want to improve their homes and their neighbours who may be affected by these changes are therefore amongst the Review’s most important stakeholders.



Source: ODPM Survey of English Housing Stock 2003–04

- 1.7 But the Review’s stakeholders extend beyond householder applicants and their neighbours. Housing plays an important role in defining the character of our towns and cities; there are often strong views about how the built environment is shaped and changed. The planning system recognises this by giving everyone an opportunity to comment on development proposals. At the heart of the system are the local planning authorities (LPAs) whose task it is to regulate developments – a task that commonly requires them to find the right balance between conflicting demands. The Review’s stakeholders include all these groups. Annex 3 lists those which contributed to the Review.

The Wider Reform Agenda

- 1.8 The Review has taken place within a wider context of reform. The Prime Minister’s four **Principles of Public Service Reform** have helped guide the Steering Group’s work. These principles call for:

1. National standards to ensure that people have the right to high quality services wherever they live;
 2. Devolution to give local leaders the means to deliver these standards to local people;
 3. More flexibility in service provision in light of people's rising expectations;
 4. Greater customer choice.
- 1.9 Any recommendations for regulatory change would need to be assessed for their regulatory impact. This means they must reflect the Government's **principles of good regulation** – they must be proportionate, accountable, consistent, transparent, and targeted.¹
- 1.10 The Review also seeks to contribute to the Government's **planning reform agenda**. This aims for a planning system that delivers a quality planning service which is fast and efficient, delivers certainty and is participative open and fair. Much has already been achieved but many householders still find the system bureaucratic and difficult to understand.
- 1.11 A recurring theme has been to search for ways to **reduce the number of minor applications** in the system in order to release resources for larger or more strategic developments. The first **Barker Review**² for instance, (to which HDCR has been part of the Government's response) recommended increasing the range of permitted development rights for householder applications and highlighted the new powers in the Planning and Compulsory Purchase Act 2004 for LPAs to vary these through the use of Local Development Orders (LDOs). Barker also advocated examining alternative routes to obtaining planning permission. A Study for the Planning Officers Society made similar recommendations.³

What We Concluded

- 1.12 In reaching its conclusions, the Steering Group was informed by a wide range of professional expertise and opinion (a list of the individuals and organisations involved in the review is set out at annex 1). The key conclusions of the Steering Group are that it should be easier for people to improve their homes and that this could be achieved by simplifying the current system of regulation and removing those household developments which have little or no impact on neighbours and the local environment. The recommendations set out below aim to achieve this in a way which provides a clear balance between the rights of householders to carry out improvements and the need to protect neighbours' interests and those of the wider community and environment.

1 The Better Regulation Task Force sets out the principles of good regulation at: <http://www.brtf.gov.uk/reports/principlesentry.asp>

2 Delivering stability: securing our future housing needs http://www.hm-treasury.gov.uk/media/0F2/D4/barker_review_report_494.pdf

3 Andrew Wright and Karen Moore (2004) Applications Caseload Survey. POS Enterprises.

1.13 The Steering Group therefore recommends that:

Regimes are made more proportionate:

1. A new and simplified Permitted Development Order for Householder Developments should be prepared. This would be based on Parts 1 and 2 of the existing Order and would move from the present volume-based approach towards one based on impact. It should be issued with a plain-English user guide.
2. ODPM should develop model Local Development Orders to illustrate how they can help Local Planning Authorities to extend permitted development rights in their areas.
3. A streamlined process should be developed for cases where planning consent is required but neighbours do not object. Nevertheless, the scope should be retained in such a process for Councils to refuse permission.
4. ODPM should issue clear guidance on the procedures for processing householder planning applications.
5. Further work is required to develop a model to demonstrate how mediation can lead to the more efficient and effective regulation of householder development.
6. The Tree Preservation Order system should be revised to provide a more modern system of tree protection that regulates with a lighter touch. Blanket TPOs should be time-limited and allowed to lapse.

1.14 The Steering Group also considered how the customer experience of householders could be improved. It recommends that :

Regimes are made more user friendly

7. A working group should be established which will collate best practice in customer care and develop strategies for its wider adoption.
8. The immediate priority for the alignment of regimes is to improve the interface between planning consent and building control. This should include the development of a standard application form and further consideration of ways by which presentation and co-ordination of the two processes could be improved.

In the longer term the feasibility of merging these regimes – in particular those which are planning based (e.g planning, conservation area, listed building consents etc) should be examined as a way to reduce the regulatory burden confronting householders and to cut local government bureaucracy.

1.15 Providing greater choice and raising standards through alternative service provision was also considered by the Steering Group. It recommends that :

Alternative service providers and new working methods are introduced

9. ODPM should continue the dialogue with policymakers, practitioners, current and potential suppliers about the role of alternative provision and new ways of working in the processing of planning applications.
10. In the short term, ODPM, the Planning Advisory Service and the Regional Centres of Excellence should examine the overall demand for and supply of temporary planning staff. They should consider options for increasing the efficiency and competition of supply and ensure that these arrangements provide good value for money.

In the longer term, ODPM should build on the work that is being done in partnership with the Planning Advisory Service, the Local Government Association, Association of London Government, the Royal Town Planning Institute and other bodies to encourage the recruitment and placement of planning staff in Local Planning Authorities, particularly in London and the South East.
11. Once a new GPDO has been drafted (Recommendation 1) the scope for deregulating the certification of Lawful Development to approved third parties should be fully examined.

1.16 The Steering Group would like to see a programme of work led by ODPM in conjunction with its delivery partners to take these recommendations forward. The first stage of this work would include:

- The development of and consultation on detailed proposals for the reform of Parts 1 and 2 of the General Permitted Development Order to create a new permitted development order for householders
- A draft Plain English user guide for householder development
- draft model Local Development Orders to illustrate how permitted development rights could be extended locally
- the development of proposals for a fast track, or simplified process for planning consent where there are no neighbour objections
- a draft of national guidance on householder planning developments and how they are handled
- the establishment of a working group to define service standards and capture and disseminate good practice in user care
- the completion and implementation of the Standard Application Form for planning consent and building regulations approval, having regard to both public and private sector building control and processes.

1.17 The Group considers it important that stakeholders should have the opportunity to comment on its recommendations. Details of how to submit comments are set out in section 6 of the report.

SECTION 2

Approach of the Review

- 2.1 Most home improvements require both planning permission (whether as ‘permitted development’ or expressly granted) and building regulations approval. (Some cases require other consents, and these are discussed in Section 4).
- 2.2 Planning and building controls serve different purposes. Planning regulates the external impact of development while buildings regulations mainly ensure the health and safety of people in and around buildings⁴. This Review has focussed strongly on reviewing planning controls and the permitted development rights that relate to them. These were identified in the Planning Green Paper (2001)⁵ and by other commentators as requiring review.
- 2.3 To inform its work, the review sought to engage stakeholders through three separate key stakeholder events. Discussions were also held with the Environment Board of the Local Government Association. Annex 3 lists the Stakeholder Organisations who participated in these events.
- 2.4 The Review has been structured around three major work streams:

Making Systems More Proportionate

- 2.5 Householder planning applications have grown faster than any other category over the past decade (see Box 3) and while the growth has slowed in the past year, they now represent over half of the average planning authority’s caseload. A study by Arup⁶ shows that at £45million or 5% of the total Local Planning Authority budget of £900m budget, the cost of handling this caseload is relatively modest. Yet all applications have to be processed correctly and many authorities have struggled to cope with managing the growth. The Planning Officers’ Society reports that too much time is spent dealing with relatively minor matters at the expense of larger or more strategic work.⁷

The Steering Group wanted to know whether all these applications are really necessary, and if they are, whether they can be dealt with in a more streamlined way for all parties.

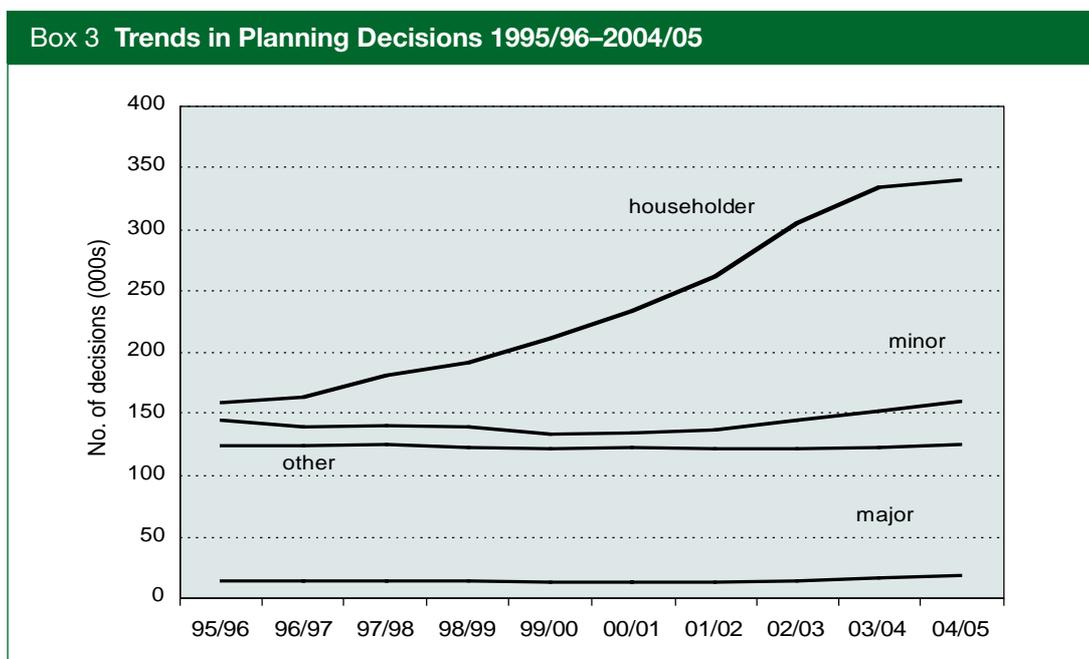
4 There is a trend towards using Building Regulations control to deliver a wider range of outcomes than those relating to Health and Safety. The Sustainable and Secure Buildings Act, allows building regulations to be made for reasons that include protection of the environment.

5 Planning: Delivering a Fundamental Change, available at: <http://www.odpm.gov.uk/index.asp?id=1143142>

6 The planning service: costs and fees. Arup Economics and Planning with the Bailey Consultancy, Adison and Associates and Malcolm Grant. ODPM 2003

7 Planning Officers Society, 2004: Planning Performance checklist.

- 2.6 To address this question, the Steering Group sought to examine the types of developments that householders are undertaking and to understand what kind of impacts these have on neighbours and the wider environment. On the basis of this work options for designing a more proportionate system could be identified. Les Sparks and Emrys Jones, both ex Birmingham City Council Chief Planning Officers, were engaged to advise the Group. The Sparks/Jones report is available on the DCLG website at www.communities.gov.uk as a daughter publication of this report.



- 2.7 Section 3 sets out the Review’s findings and recommendations for making the regulations more proportionate.

Improving the Experience of Users

- 2.8 The 2001 Planning Green Paper noted that the planning system is perceived to be a set of rules aimed at preventing development rather than making sure that good development goes ahead. It said that planning is not user-focused and that people find it hard to obtain straightforward advice about how to submit a planning application, partly because local planning departments are overburdened with householder applications. Much has been done to improve interaction with users since the Green Paper, particularly through the introduction of the Planning Portal and e-government.

The Steering Group wanted to know what more can be done by Central Government and by LPAs to put the user at the centre of the planning process.

- 2.9 To address this question, the Steering Group first wanted to examine users’ experience of the present system. The Steering Group therefore held small focus group meetings with householder applicants, local agents and developers to gather first hand experience. The information from these groups was

supplemented by a MORI survey of 1000 householder applicants and 300 neighbours who had been consulted on an application over the past year. MORI's report is available on the DCLG website at www.communities.gov.uk as a daughter publication of this report.

- 2.10 Section 4 sets out the Review's findings and recommendations for making the regulations more user friendly.

Alternative Providers and New Ways of Working

- 2.11 LPAs have been responsible for processing householder applications since regulation of development began in 1947. But with growing caseloads, and difficulties of staff retention in some areas, local planning authorities are facing growing pressures.

The Steering Group wanted to know whether there are opportunities for alternative service providers to bring additional resources to relieve overloaded planning departments, and whether they might help to improve the culture of the service or improve user choice.

- 2.12 To address this question, the Steering Group has held round table meetings with planning officers, planning agents and others who might become alternative suppliers of the services now provided solely by local authorities.
- 2.13 Section 5 sets out the Review's findings and recommendations for opening this area to new service providers.

SECTION 3

A More Proportionate system

How The System Works: Permitted Development

- 3.1 All building work falling under the definition of development⁸ requires planning consent from the ‘designated planning authority’ (in most cases the local unitary or district council). However, the General Permitted Development Order (GPDO)⁹ accords ‘**permitted development**’ status to a wide range of relatively minor work which, though technically ‘development’, means a separate planning consent for them is not required.
- 3.2 Parts 1 and 2 of the GPDO are relevant to the Review:
- **Part 1** gives permission for the construction of extensions, alterations to a roof, construction of porches, freestanding buildings or swimming pools, external hard surfacing, containers for oil, and satellite antennae. Part 1 sets limits to the amount of development that is permitted. These include the height of the new development – which is fairly straightforward to understand and calculate – and the overall volume which can be extremely hard to assess¹⁰.
 - **Part 2** allows, subject to height restrictions, the erection of boundary enclosures (walls, fences, gates) around a property (Class A) and the provision of vehicle access to an unclassified road (Class B).
- 3.3 Before incurring significant expense, many householders look for confirmation that their project really is ‘permitted’ under the GPDO. They may therefore apply to their LPA for a **Lawful Development Certificate (LDC)** which confirms the work they are doing is ‘permitted’ and that enforcement action will not require them later on to modify or remove it. It is important to emphasise that an LDC is no more than a statement of legal fact that guarantees the lawfulness of the work it certifies. An LDC does not grant planning consent and there is no obligation to obtain one.

⁸ Provided under Section 55 (1) of the Town & Country Planning Act 1990.

⁹ The GPDO’s full title is the ‘Town and Country Planning (General Permitted Development) Order 1995.

¹⁰ The basic rule is that terraced houses and all houses in conservation areas may be extended by 50m³ or 10% (whichever is the greater) and that detached and semi detached houses by 75m³ or 15%. If they remain within these limits and are not in a conservation area, roofs may be extended by 40m³ for terraced houses and 50m³ for semi detached or detached houses.

How The System Works: Applications for Planning Permission

- 3.4 The effect of the GPDO is to absolve a very large number of minor householder improvements from the regulatory system. But much still remains. In 2004-2005 planning authorities received 340,000 planning applications for householder developments. This number has more than doubled in the past ten years so that while householder developments constituted just 37% of all planning applications in 1994-95 they now make up 53% of the average planning authority's total caseload. Some 87% of householder applications are granted.
- 3.5 There are well-established procedures for Planning Authorities to notify neighbours the authority has received a planning application¹¹. Most often this is by a letter that describes the development proposed and explains where plans can be inspected. Neighbours are given a minimum of 21 days to comment which they must do in writing.
- 3.6 The LPA may determine the application after the 21 day period has expired. The Government has set a target that 80% of applications of this kind should be dealt with in 8 weeks. Like all planning applications, the Authority should decide the application on the basis of the policies in its local development plan and on other material considerations. The relevant local plan policies are most often those that refer to general principles of good design including those of appropriate height and scale and compatibility with the character of the area.

Issues for the Review

- 3.7 The large **rise in householder applications is burdening the system** and diverting scarce planning resources away from larger developments and those in more strategic areas. This puts stresses on the performance of LPAs while the consequent rise in the overall number of refusals has increased the workload of the Planning Inspectorate.¹² In her review of Housing Supply, Kate Barker recommended that resources could be freed up by extending the GPDO to take more categories of householder development out of the system.

Box 4: Growth in Householder Appeals	
1995/96	2700
2004/05	6700
Growth	136%

Source: Planning Inspectorate

¹¹ The statutory requirements for publicity for applications for planning permission are laid out in article 8 of the Town and Country Planning (General Development Procedure) Order (as amended) [the 'GDPO']. This requires the LPA to publicise planning applications, either by a site notice or by notification to neighbours.

¹² The implications are considered by Les Sparks in Streamlining Householder Appeals: A Study For The Planning Inspectorate. 2004

- 3.8 A widely acknowledged problem with the GPDO is **its complexity and its dense and legalistic language**. As it grants prior consent for development, the GPDO has been drafted as a legal device which aims to avoid disputes about interpretation, but as Box 5 illustrates this makes it difficult for those without legal training to understand. There are no user friendly instructions to explain how the order applies¹³ and even planning officers and consultants with many years experience struggle to understand it.

Box 5 SCHEDULE 2, Article 3, PART 1

(Development within the Curtilage of a Dwellinghouse) of the GPDO describes what work can be done to a house without the need to apply for planning permission. It begins:

Permitted development

A. The enlargement, improvement or other alteration of a dwellinghouse.

Development not permitted

A.1 Development is not permitted by Class A if —

- (a) the cubic content of the resulting building would exceed the cubic content of the original dwellinghouse —
 - (i) in the case of a terrace house or in the case of a dwellinghouse on article 1(5) land, by more than 50 cubic metres or 10%, whichever is the greater,
 - (ii) in any other case, by more than 70 cubic metres or 15%, whichever is the greater,
 - (iii) in any case, by more than 115 cubic metres ... '

- 3.9 Piecemeal amendment of the GPDO over the years has exacerbated its complexity. Part 1 ('Developments within the Curtilage of a Dwelling-house') is a particular problem. It is now sub-divided into eight classes and is one of the longest and most complex of all the GPDO's 33 Parts.
- 3.10 In 2003 Nathaniel Lichfield and Partners were commissioned to review the entire GPDO¹⁴ with the aim of making it clearer, more comprehensible, and more consistent. NLP consulted widely and identified many areas of confusion and inconsistency. NLP's study made a large number of recommendations for improvement, but the net result of these recommendations for Part 1 would be to restrict permitted development rights more tightly than they are now and generate additional planning applications.
- 3.11 Around 87% of householder planning applications are granted by local authorities. Even if a quarter of these were granted after having been amended to take account of local authority comments, there are still over 220,000 such applications being made each year which are approved without amendment. Several types of householder development, (including, within limits, rear dormer windows, rear extensions, conversion of an attached garage to living accommodation, and attachment to the home of equipment for energy

¹³ ODPM does publish a guide for householders which explains householders' rights but it has no legal status and its advice is on occasions disputed by Local Planning Authorities.

¹⁴ Nathaniel Lichfield in association with SJ Berwin Solicitors (2003) Review of Permitted Development Rights, Office of the Deputy Prime Minister: London

generation or communications), that might be considered to affect just the host property may currently require planning consent.

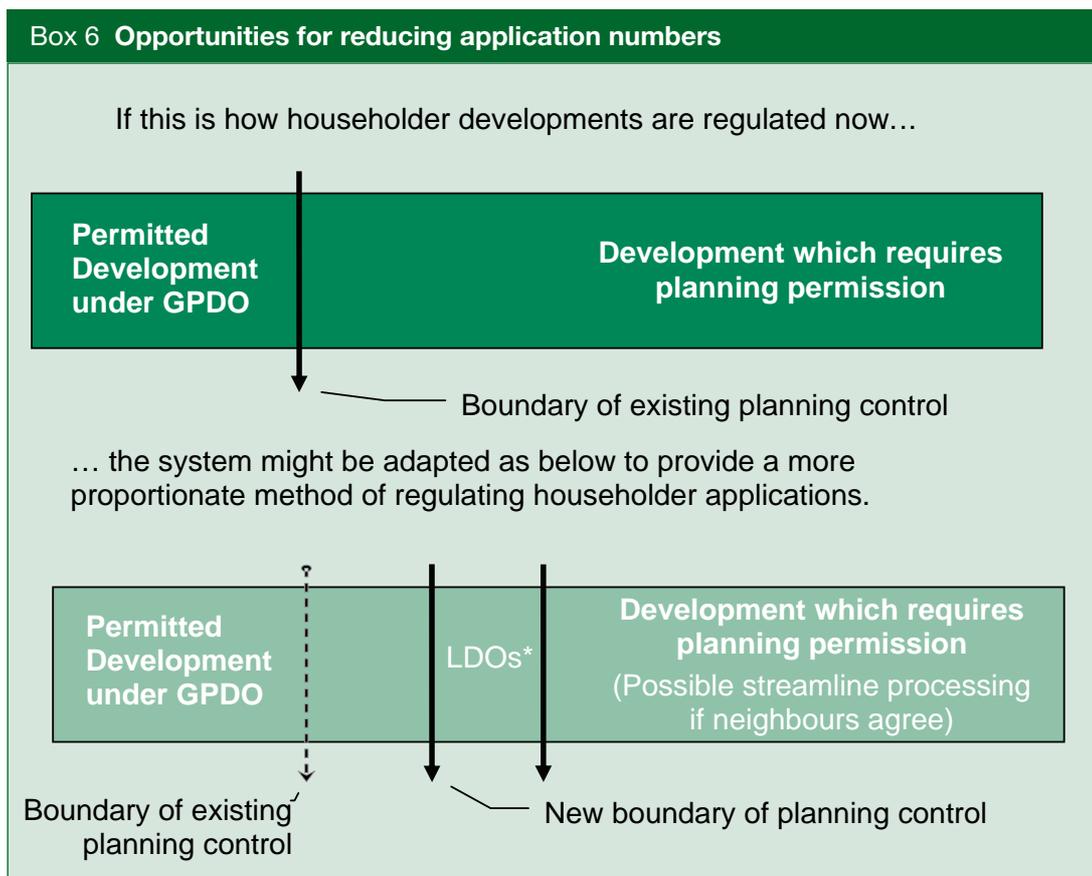
- 3.12 Sparks and Jones refer to “examples of works requiring planning permission that have very minimal impacts”. They suggest that the use of volume limits to determine whether development should be ‘permitted’ is an arbitrary tool that restricts some types of development unnecessarily. It means, for example, that where a house has already been extended at ground floor level a full planning application may be required to install a dormer window which otherwise would be permitted. The Review was informed of cases where householders had demolished existing outbuildings so that new extensions complied with the volume limits. The Steering Group felt that it ought not to be necessary to bend the rules this way.
- 3.13 The Local Government Ombudsman (LGO) and several private individuals have drawn the Review’s attention to some of the problems that existing permitted development limits create for neighbours. In 2004/05 the LGO received around 2800 complaints (64% of all planning related complaints) which it categorised as involving ‘consideration and neighbour amenity’. Many of these related to householder developments implemented under the GPDO over which the LPA have no control. Common problems include excessively bulky dormer windows and large, visually intrusive free-standing buildings in back gardens.
- 3.14 The Steering Group considered whether and to what extent it was desirable for there to be a nationally consistent approach to permitted development and how much should be determined locally. The Group felt that a national GPDO provides all householders with a level of certainty that should be retained. The Group went on to consider the extent to which Local Development Orders (LDOs) could offer a degree of local flexibility (see paragraphs 3.24 to 3.25 below).

Towards a New Approach

- 3.15 In summary, the major issues that emerged from the Review have been that:
- There is a strong body of belief that the system needs review;
 - There is an urgent need for more clarity and greater precision in the GPDO;
 - It is important to ensure a basic level of consistency and certainty across the country as to what may be done without express planning consent.
- 3.16 On the basis of these points, the Steering Group considers the next step should be to undertake a package of work to produce:
- A revised, simplified and extended GPDO moving from the present system based on the volume of the proposed development towards one based on its impact on neighbours and the wider community. The aim would be to reduce the number of applications and make it clearer whether a proposal would be ‘permitted’;

- Model Local Development Order(s) which LPAs could adopt to further extend permitted development rights (thus further reducing the number of applications where developments meet a Council’s agreed policies);
- New guidance for explaining how the system operates and a plain English user guide.
- A possible fast-track process for cases where planning consent is required but neighbours do not object (retaining scope for authorities to refuse permission).

3.17 Box 6 compares the existing regime with one envisaged by the Steering Group.



* Further permitted development under locally determined local development orders (LDOs).

A New Permitted Development Order for Householder Developments

3.18 Parts 1 and 2 of the General Permitted Development Order have become so complicated and so difficult to understand that they need to be redrawn from first principles. A new Permitted Development Order designed to meet the needs of Householders is required. Explanatory guidance in plain English should accompany it.

- 3.19 The new Permitted Development Order for Householder Developments must ensure:
- clarity, simplicity and consistency,
 - that the need for planning permission is proportionate to the impact of the development,
 - that the number of planning applications is kept to a minimum
 - that the regulations are and remain relevant to new technologies and changing life styles.
- 3.20 The new order would set out permitted development limits for common categories of householder development (eg roof extensions, conservatories, side extensions) with the intention of simplifying, clarifying and maximising what may be done without a planning application. There should be a shift away from the current crude “volume” basis of permitted development, towards an approach based on the impact of a proposed development on neighbours and the wider community. Initial work by Sparks and Jones suggests this could achieve a reduction in householder planning applications of up to 30%.
- 3.21 Deciding which types of development should or should not require express planning consent requires an understanding of the degree of impact that different categories of development are perceived as having. Sparks and Jones attempted to classify impact levels of different types of domestic development. Their recommendations were tested and largely verified by MORI’s survey of neighbour attitudes. Further insights have been provided by the Local Government Ombudsman who submitted examples of complaints about permitted developments considered unneighbourly. All of this evidence justifies the view that the GPDO needs to be amended to reflect changed circumstances since its last major revision in 1995.

Recommendation 1:

A new and simplified Permitted Development Order for Householder Developments should be prepared. This would be based on Parts 1 and 2 of the existing order and would move from the present volume-based approach towards one based on impact. It should be issued with a plain English user guide.

- 3.22 Within this context, the review of Parts 1 and 2 of the GPDO will also need to consider whether new categories of development should be treated as permitted. For example there are pressures to maximise the use of space in existing homes and to respond more effectively to new technologies.¹⁵ Two examples raised with the Steering Group are:

¹⁵ Satellite dishes and other communications technologies are the subject of guidance issued under ‘Permitted Development Rights For Antennas’ Circular 10/2005 available at: <http://www.odpm.gov.uk/index.asp?id=1161763>.

- *Microgeneration Equipment:* The DTI has recently consulted on the Government's emerging micro-generation strategy.¹⁶ Uncertainty about what is permitted development and the costs and time required for obtaining planning permission are seen as barriers to the wider adoption of the latest emerging technologies. A review of the GPDO should consider how to make it easier for householders to install such technologies as domestic photo-voltaic, wind, solar thermal or combined heat and power systems, first by examining what equipment should be permitted development, and then by clarifying what is.
 - *Basements:* Although they can raise some planning issues, for example around the need for light wells which alter the external appearance of a building and have substantial structural implications that may affect immediate neighbours, basements have relatively few impacts beyond the host property. It has been put to the Review that the absence of guidance as to their planning status discourages the wider use of basements despite their value in providing extra space without further land take.
- 3.23 A review of the GPDO would be an opportunity to examine whether controls should be introduced for any developments that are now 'permitted'. Further controls would only be justified to regulate development that have a clearly defined detrimental impact on an area of significant public interest. One example might relate to the paving of front gardens with non-porous materials to provide off-street parking space. Where this occurs on a widespread basis it can increase the run-off rate to put pressure on drainage systems and increase flood risk.

Local Development Orders

- 3.24 The Planning and Compulsory Purchase Act 2004 contains powers for LPAs to make **Local Development Orders (LDOs)**. LDOs grant permission without an application for certain kinds of development set out in the order. LDOs could be used to permit types of householder development that are invariably granted permission under the existing system. A well designed LDO offers benefits to both householders, through simpler procedures, and the Planning Authority which will be able to concentrate resources on more complex applications.

Box 7 Residential Design Guides

Over the years many – but by no means all – authorities have tried to assist householders in designing their proposals by publishing residential design guides to advise on key design principles. Some have been adopted as Supplementary Planning Guidance which means they become a 'material consideration' when the scheme is assessed by the authority. Other guides do not have this status but still provide advice to applicants as to what development would be acceptable to the LPA.

While each guide carries its own emphasis and advice relevant to the area concerned, there is a central core of agreement as to what constitutes good design. All guides tend to emphasise the same general principles of respecting neighbours and the character of the area and all focus on much the same categories of development, including roof extensions and dormer windows, side extensions, rear extensions, front extensions and porches.

¹⁶ Microgeneration Strategy And Low Carbon Buildings Programme: June 2005 at <http://www.dti.gov.uk/energy/consultations/microgen.pdf>

- 3.25 Model orders, should be prepared that illustrate the types of development that would be covered, as a way to promote their use amongst LPAs. These orders might draw on the design guides many authorities already employ (See Box 7).

Recommendation 2:

ODPM should develop model Local Development Orders to illustrate how they can help Local Planning Authorities to extend permitted development rights in their areas.

Streamlining Low Impact Applications

- 3.26 Many householder developments impact on immediate neighbours but not beyond. These impacts may include loss of privacy, loss of daylight, or noise disturbance. Encouraging or requiring householders to consult neighbours before submitting an application should lead to more considerate plans and would reduce the number of neighbour objections that draw LPAs into time-consuming negotiations.
- 3.27 There are several potential models for obtaining neighbour comment or consent to obviate the need for a full planning application. These include adapting the Party Wall Act or High Hedges Legislation, establishing mechanisms for negotiated payments between neighbours and the use of mediation. Each model contains positive features, but none has attracted the widespread support of key stakeholders. There remain concerns about how best to ensure that neighbours deal with one another fairly.
- 3.28 Nevertheless, it is important to continue to seek a streamlined mechanism for low impact householder developments that raise no neighbour objections. The aim in developing such a process would be to speed up the planning process rather than change the outcome of any decision. It could be designed to operate in parallel with proposals for more streamlined processes for dealing with householder appeals now being developed by the Planning Inspectorate.

Recommendation 3:

A streamlined process should be developed for cases where planning consent is required but neighbours do not object. Nevertheless, the scope should be retained in such a process for Councils to refuse permission.

- 3.29 These changes would represent a package of proposals to improve the way householder applications are processed. A procedure is required to provide the basic operating guidelines for them.

Recommendation 4:

ODPM should issue clear guidance on the procedures for processing householder planning applications.

Mediation

- 3.30 Mediation has become increasingly popular in recent years as an alternative to more orthodox formal dispute resolution procedures. It is used to resolve disputes over high hedges and its potential use in planning has long been debated. Two recent ODPM studies¹⁷ have shown that mediation is generally welcomed as a useful way to explore all the issues in a dispute on a non-confrontational basis. Mediation is particularly attractive to householders because it achieves a user-friendly communication link with planners. Indeed the studies concluded that householder applicants would benefit most from the introduction of a mediation service. The Planning Inspectorate has recently undertaken some piloting work with a number of councils to explore its possible application within the planning service.
- 3.31 Mediation could represent a positive way to promote dialogue between neighbours that can lead to solutions that are owned by all parties. However, the introduction of a mediation system will need to address the following issues:
- The role of mediation must be integrated firmly within the overall planning process and not regarded as an optional add-on. Mediation costs need to be part of the overall planning fee structure.
 - Both parties – the applicant and the neighbour(s) – need to see it as being in their interests to take part. This means designing the service so that both sides feel they have something to gain from using it.
 - A business case is required to demonstrate how mediation will lead to more efficient and effective planning. The business case would need to cover the planning system as a whole and identify who would meet the costs and who would benefit in cost terms.
- 3.32 The Steering Group concluded that mediation remains a promising instrument for resolving disputes over householder applications between applicants and their neighbours. An effective model and a business case are required to prove this.

Recommendation 5:

Further work is required to develop a model to demonstrate how mediation can lead to the more efficient and effective regulation of householder development.

Works to Trees

- 3.33 Under the Town and Country Planning Act 1990, LPAs have powers to protect selected trees by making tree preservation orders (TPOs). TPOs can protect single trees, groups or areas of trees, or woodlands. The orders prohibit felling

¹⁷ Mediation In The Planning System at <http://www.odpm.gov.uk/index.asp?id=1143418> and Further Research Into Mediation In The Planning System at <http://www.odpm.gov.uk/index.asp?id=1144549>

or pruning without the LPA's consent. A 1994 review of the system affirmed the overall need and public support for tree protection legislation but its recommendations have not found legislative time.

- 3.34 The outcome of the research and engagement with stakeholders by the Review supports the need to protect trees in Conservation Areas. However, there is a strong case for abolishing blanket TPOs that protect all trees in an area (a measure proposed in the 1994 review) as these can be unnecessarily bureaucratic and once applied they remain permanently in force. It should also be possible for local authorities to delegate applications for some works (eg pruning) to officers for on-site decision making.
- 3.35 Incremental change to the regulations would achieve little in improving the way they apply to householders. Like the GPDO, the TPO system has been amended in piecemeal fashion over the years and the cumulative effect has been to make it complex and unwieldy. A more fundamental review of the regulations is now required. This will require commitment to bring forward the primary legislation necessary to implement fundamental change.

Recommendation 6:

The Tree Preservation Order system should be revised to provide a more modern system of tree protection that regulates with a lighter touch. Blanket TPOs should be time-limited and allowed to lapse.

SECTION 4

Improving the user experience

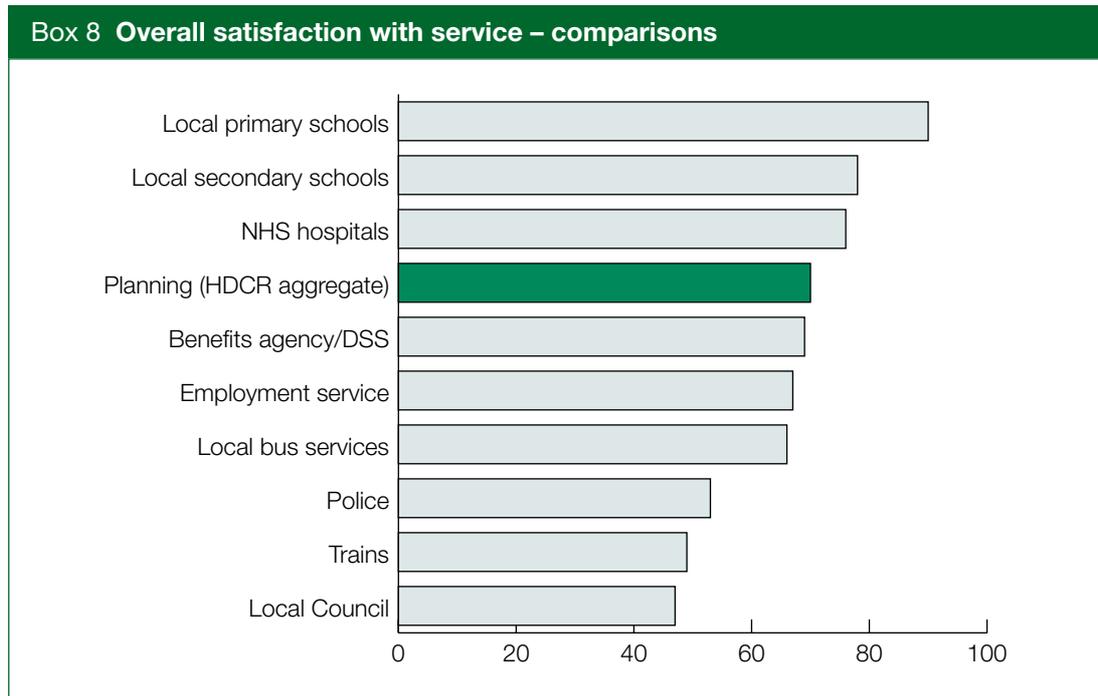
Who is the user?

- 4.1 The Government's drive to reform public services aims to put the service user first. The call is to make public services user-led rather than producer or bureaucracy led.
- 4.2 Just about everyone is a potential user of the householder planning system. The most immediate users are those who apply for consent, (340,000 in 2004/05). Most applicants, however, experience the system only at second hand: MORI found that around 78% of householders submitted their application through agents who are users of the system in their own right.
- 4.3 Users also include anyone affected by a proposal and who wants to comment on it. This includes near neighbours and the wider community often represented by organised bodies including local residents' associations, and civic, heritage or environmental groups. These groups all have a right to express their views which the planning authority has a duty to consider. As part of the Government's wider aim of creating sustainable stakeholder communities ODPM has the goal of giving more power to neighbourhoods to decide things that matter to them.

What Are the Users' Experiences of the Current Planning System?

- 4.4 With 362 planning authorities serving so many different users, experiences are inevitably varied. MORI found a 70% positive approval rating amongst applicants which compares quite well with other public services, (See Box 8) especially if the negative views of those whose applications were refused is allowed for. 86% said they understand the decisions made about their application, although this falls to just 48% of those whose application was refused.
- 4.5 MORI found that those with most experience of the system tend to be least disposed towards it. Applicants who say they know not very much or nothing at all about planning were more likely to be satisfied with the service than those who know a great deal or fair amount (74% versus 66%). A similar pattern appears with the views of neighbours. Neighbours who object about a particular development were more likely to have negative views than those who did not. (59% compared with 24% overall say they are unfavourable towards the system). This pattern is unusual for this kind of user-satisfaction survey where those most involved with a service are most likely to sympathise with the constraints

its providers face. It probably reflects the fact that those who have learned most about the planning system are those who have found themselves in dispute with it.



Base: HDCR aggregate figure; All planning applicants (1000), Aug-Sep 05

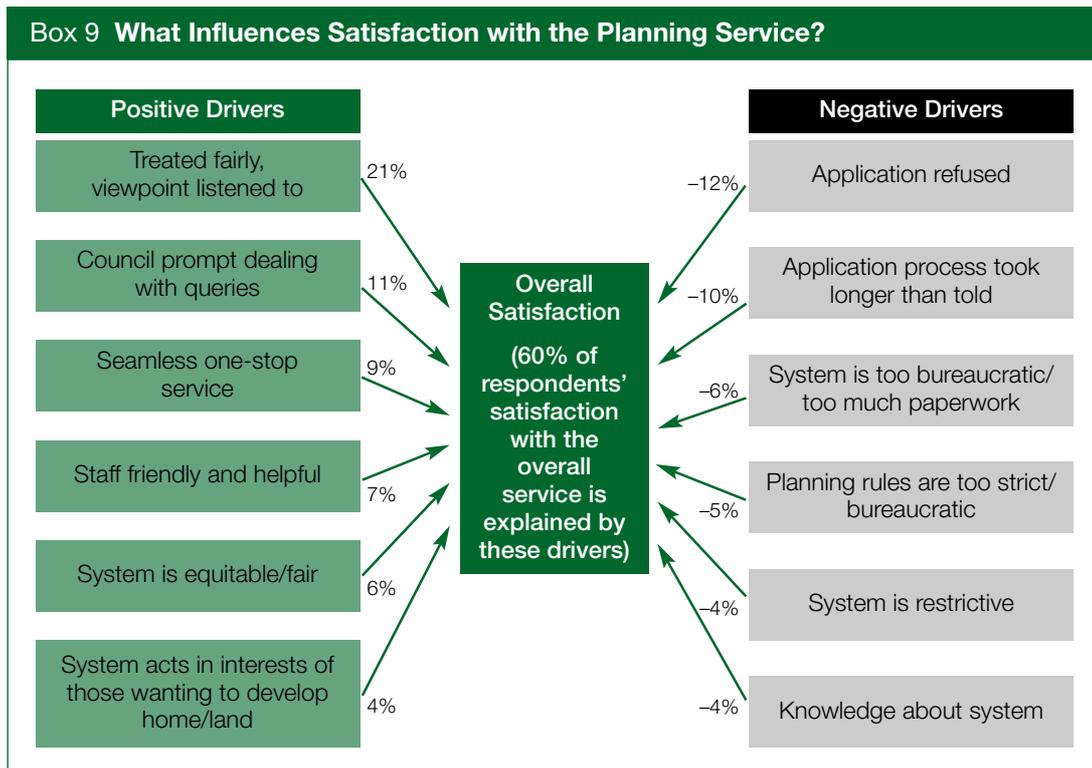
Note: Comparison data are taken from Peoples' Panel 2002 and are based on all users of services except for 'police' and 'local council' which are based on all.

Source: MORI

4.6 MORI did find several areas for improvement:

- Communication with users needs to be better. Only 35% of applicants said they were kept informed about their application and only 58% said that the council dealt promptly with queries.
- 51% of applicants view the system as bureaucratic and 44% think it too complicated for small scale householder applications. Just half of applicants felt the local planning and building control systems provided a seamless one-stop service.
- 58% of applicants and 61% of neighbours think it unclear what can be done without planning permission. 80% of applicants say it is vital to use an agent to make a householder application for them.

4.7 These comments are important for the public perception of the statutory planning system as a whole. The only exposure that many applicants and their neighbours have to statutory planning is the way a householder application is dealt with. Setting aside the views of those whose application was refused, MORI found the quality and service people experience are the most important factors determining how their views of their wider planning system. (Box 9). Improving the way that householders and others involved with their applications are dealt with is key to encouraging people to play a fuller part in planning as a whole.



Source: MORI

4.8 Similar messages emerged from the Review's in-depth focus group work and from individual householders who contacted the Review. This work highlighted three main areas for improvement:

- **Access to Planning Officers and Advice:** It is often difficult to talk to the right member of staff, and some planning departments are unresponsive to requests for advice.
- **Resources and Staffing:** Respondents were conscious of the heavy workloads that planning authorities experience and the emphasis that is placed on targets and many feel this is affecting staff culture and attitudes. High staff turnover makes it difficult to obtain consistent levels of service.
- **Standardisation and consistency.** There was demand for greater consistency between authorities in advice and treatment of users. Authorities should prepare "What to Expect" packs explaining processes and "how to" guides to help applicants through the system. Forms, advice and information should be standardised. There should be a benchmark setting minimum quality standards.

4.9 The Review used its stakeholder events to discuss experiences with a range of organised groups who use the householder planning system. Many of these groups felt that the system is too bureaucratic and tries to regulate too heavily.

What the Government is already doing

4.10 The Government's planning modernisation agenda is already improving the service to users:

- **The Planning Delivery Grant** rewards authorities for handling applications more quickly. Authorities have responded by a massive improvement in performance (see Box 10)¹⁸. The aspiration now is to move towards more qualitative measures of performance that focus on improving outcomes.
- All local planning authorities have signed up to the web-based **Planning Portal** – www.planningportal.gov.uk. The Portal provides householders connected to the internet with a facility for making online applications and access to a huge resource of information on the planning system.
- ODPM is developing a **standard application form** for planning permission and associated consents in both electronic and paper formats. It is intended LPAs will be required to adopt this by April 2007. Customer 'Wizards' and expert systems are being designed to guide householders through application decision making processes.
- Consideration is being given to **aligning and where possible unifying the different consent regimes** (planning, building regulations, conservation area consent, listed buildings etc) that regulate householder developments.

Box 10 A Faster Service for Householders

The percentage of authorities determining 'other' planning applications (the Best Value target that includes householder applications) has risen from just 17% in 1999/2000 to 73% in 2004/05.

86% of decisions on householder applications are now made within 8 weeks: up from 74% in 1999/2000.

What Are Local Planning Authorities Doing?

4.11 There are many examples of outstanding LPA practice around the country that is improving services and making them more user-focussed. Box 11 lists some of them.

¹⁸ See: Evaluation of Planning Delivery Grant 2004/05, ODPM 2005.

Box 11 How Local Planning Authorities are Improving User Experience

- Better allocation of resources through the use of Liaison Officers trained to provide advice on Permitted Developments and handle householder applications.
- Achieving 100% first point of contact for advice inquiries.
- Service provision reviewed and reshaped to reflect user feedback
- Focus groups providing feedback on service quality
- Customer charters and standards
- Introduction of one stop shops to provide users with more streamlined planning and building control services.
- Making it possible for the public to inspect applications outside normal office hours

What Else Can We Do?

4.12 In recent years effort has focussed on improving the systems for handling strategic planning and major applications. But most users come into contact with the planning system through their experience of householder applications. A sustained programme to ensure better delivery of these services should improve wider public perceptions of, and support for, the planning system as a whole.

4.13 DOCUMENTING AND DEVELOPING BEST PRACTICE

The first task is to collect and evaluate the best elements of initiatives pioneered by individual LPAs. Where these are shown to succeed they need to be developed and improved further. Topic areas should centre on:

- User Feedback
 - Stakeholder days to review and shape future service provision
 - Focus Groups with user groups (i.e. agents, applicants, neighbours, elected members) to identify needs and issues
 - Planning surgeries and/or advice meetings to inform and increase awareness
- Communication
 - One Stop Shops – to access advice on all planning matters
 - Development of User Tool Kits and “What to Expect” packs
 - Advertising and increasing awareness of electronic access and the Planning Portal
 - Pre-application discussions linked to Performance Indicators

- Culture
 - Supporting culture change in planning authorities
 - Working with elected Members to improve their roles
 - Reviewing training of planning officers and
 - Using Liaison Officers as the first point of customer contact

4.14 ROLLING-OUT AND PROMOTING BEST PRACTICE

Having identified and developed improved methods of working the challenge will be to promote their take-up. Strategies for this could involve the benchmarking of high performing authorities or devising incentives that would encourage authorities to adopt best practice. These could involve:

- Establishing minimum standards of consumer focus
- Development of Performance Indicators for consumer focus
- Incentives for achieving targets which might be linked to the Planning Delivery Grant.
- Measures/targets linked to service assessments as part of the Comprehensive Performance Assessment process.

4.15 The potential for identifying sponsors to assist in delivering the improvements and best practice should also be explored. For example, the cost of customer packs might be met by sponsorship.

4.16 All this work should be undertaken by a group that brings together the many organisations already active in the field. This group should include the Audit Commission, the Improvement and Development Agency, Planning Advisory Service, Local Government Association, Planning Officers' Society, and the Royal Town Planning Institute. The Group should be led by a champion who has a wide experience of the issues. He or she should work closely with ODPM Planning Directorate but remain independent of it.

Recommendation 7:

A working group should be established which will collate best practice in customer care and develop strategies for its wider adoption.

Aligning Regimes

- 4.17 A householder who wants to take forward a development that goes beyond permitted development is likely as a minimum, to need to obtain planning permission and building regulations approval. He or she may also require consent for works to trees, listed buildings consent, and conservation area consent. Research undertaken by the Halcrow Group¹⁹ found this caused unnecessary complexity and uncertainty and concluded that real improvements could be achieved by aligning and where possible eventually merging these regimes. Halcrow recommended a ‘step-by-step evolutionary approach’ for regime merger, but felt that building regulations should be excluded at least in the early stages because of complex procedural problems.
- 4.18 The Steering Group agrees – its consideration (Section 5) of new ways of working highlights the potential for local authorities to bring together the operational delivery of the two services. The emphasis should be on merging the customer-facing aspects of the regimes rather than designing a new regime or other statutory changes. This should include building on the early progress made to develop a standardised application process involving a standard form for planning and building control.
- 4.19 In the longer term, the aim should be to unify regimes where possible although this would require primary legislation. The Government’s separate Heritage Protection Review²⁰ envisages the first opportunities lie in the merging of listed building and scheduled monument consents. There is also scope for the separate Conservation Area consent to be rolled into planning consent as part of the same deregulatory package. Eventually these two new regimes might be merged into one as Halcrow anticipated.

Recommendation 8:

The immediate priority for the alignment of regimes is to improve the interface between planning consent and building control. This should include the development of a standard application form and further consideration of ways by which presentation and co-ordination of the two processes could be improved.

In the longer term the feasibility of merging these regimes – in particular those which are planning based (e.g. planning, conservation area, listed building consents etc) should be examined as a way to reduce the regulatory burden confronting householders and to cut local government bureaucracy.

¹⁹ Halcrow Group Ltd Swindon (2004) Unification of Consent Regimes. Downloadable from ODPM’s planning research page: <http://www.odpm.gov.uk/index.asp?id=1145394>

²⁰ Details of the Review are available on the DCMS website at http://www.culture.gov.uk/historic_environment/heritage_protection_review.htm

SECTION 5

Alternative Providers and New Ways of Working

- 5.1 The review's third line of enquiry focused on the potential role of alternative service providers and new ways of working to release capacity within LPAs, increase customer choice and improve the public's experience of the planning process.
- 5.2 This is an area under study elsewhere. For instance, in a forthcoming study the Audit Commission examines how capacity issues in LPAs might be addressed by greater use of the private sector and sharing resources with other councils. This section considers the issue as it concerns householder applications.

Box 11 LPAs have begun to process householder planning applications more efficiently by:

- Using specialist teams to deal solely with householder applications
- Improved cost effectiveness and security of supply of agency staff through use of longer term framework contracts with one supplier
- Using minor and householder applications as an entry level in permanent recruitment linked to wider training & development and career progression
- Active on-site liaison with applicants and their neighbours to speed up consultation, address objections and reduce the number of appeals
- Use of agreements between councils and external planning agents to secure quality control of applications and speed up processing
- Promoting use of online planning services
- Negotiating agreements with agencies that set out quality standards for applications in return for guaranteed turnaround times for routine applications
- Bringing together the operational delivery of building control and householder and other minor planning consents

How Householder Applications are dealt with now

- 5.3 LPAs process householder applications as they have done since regulation of development commenced under the 1947 Town and Country Planning Act. Since that time great changes in working practices have transformed other parts of local government and, although planning authorities are now beginning to embrace new methods, particularly with the use of e-government technology, they have generally not kept pace with these changes.

- 5.4 Local planning authorities are subject to twin challenges. While striving to meet the Government's wider objectives of a more strategically focussed planning system they are confronted with an increasing caseload of applications, particularly householder applications.
- 5.5 Many authorities are working successfully to meet these demands. Some have improved performance by introducing new working methods – Box 11 provides examples – but there remains a big gap between the best and worst performers. The Review has recommended a working group to document and develop best practice in improving the user experience. This group should work with the Planning Advisory Service to establish best practice in the better management of householder applications and develop strategies to speed up their wider take-up (see paragraph 4.13).

Recommendation 9:

ODPM should continue the dialogue with policymakers, practitioners, current and potential suppliers about the role of alternative provision and new ways of working in the processing of planning applications.

Alternative Providers

- 5.6 The Review has examined what opportunities exist to utilise new expertise to improve the way that householder applications are processed. Expanding the range of options in the delivery of planning functions offers a range of potential benefits:
- challenge the current pattern of service delivery in planning
 - speed up the transfer of best practice from highly performing councils to others
 - help to exploit economies of scale across neighbouring district planning authorities which will make better use of scarce capacity
 - advance the development of best practice business processes, re-engineering and information technology; and
 - provide a stimulus to improve user care.
- 5.7 There is much debate about how far it is possible to open planning services to new providers. The Planning Officers Society (POS)²¹ argues that to satisfy legislative arrangements and to ensure probity and transparency, formal decision-making should continue to rest with the LPA. On the other hand around 90% of planning decisions are already delegated to planning officers without referral to the local authority's planning committee. With Local Authorities now enjoying the freedom to contract out more decision making in other areas including highways, education and the administration of housing

²¹ Competition and Effective Procurement", Planning Officers Society 2005: Details available at: <http://www.mvm.co.uk/planningofficers/planningguide/planning.asp?id=464&p=462&h=>

benefit, the implications for extending this to planning decisions need to be more fully explored.

- 5.8 A separate ODPM project is examining the overall scope for developing the local government services market, including in planning²². Amongst the opportunities being considered by this study, the Steering Group suggests that the following should be pursued in order to improve the way that householder applications are dealt with:
- Transferring best practice and closing the gap between the best and worst performers through the **syndication** of planning functions or **franchising** management arrangements from one local authority to another;
 - Increasing service efficiencies through varying degrees of integration across local authority boundaries by **sharing service arrangements**;
 - Use of **public-private partnerships** to lever in new capacity and expertise; and
 - The use of **intermediary arrangements** such as the Planning Portal, and PARSOL's Planning Agent agreements²³, to increase the points by which users can access planning services and speed up delivery.

Staffing Issues

- 5.9 The task of managing a burgeoning caseload can be particularly difficult for those authorities, particularly in London and the South East, who struggle to recruit and retain sufficient professional staff. These authorities are competing with private sector organisations who seek out the skills that planners have and with other professions in recruiting new graduates.²⁴ To fill the gaps, many authorities employ temporary staff who are commonly given householder applications to process although this does raise concerns about the consistency of the advice they provide. It is also questionable whether the dependence on too many temporary staff is an effective way to develop sustainable professional competence within LPAs.
- 5.10 The use of recruitment agencies to supply LPAs with their temporary staff is now widespread. Whether this provides good value for money needs to be established.

²² ODPM has commissioned PWC to undertake an analysis of the future potential of the local government services market to support local:vision.

²³ Working with Waverley Council PARSOL is developing an accreditation scheme for agents demonstrating ability to submit all the details required for a planning application. Applications submitted by accredited agents bypass the usual validation stage and go directly to case officers. Details are available at <http://www.localgovnp.org/default.asp?SID=1103319149765>

²⁴ Tim Edmundson has researched this problem in some detail. See 'Recruitment and retention of Planners: Towards addressing the need for Planners in London'. Edmundson 2004, Available from <http://www.alg.gov.uk/upload/public/attachments/309/RRRResearchReportWEBFINAL.pdf>

Recommendation 10:

In the short term, ODPM, the Planning Advisory Service and the Regional Centres of Excellence should examine the overall demand for and supply of temporary planning staff. They should consider options for increasing the efficiency and competition of supply and ensure that these arrangements provide good value for money.

In the longer term, ODPM should build on the work that is being done in partnership with the Planning Advisory Service, the Local Government Association, Association of London Government, the Royal Town Planning Institute and other bodies to encourage the recruitment and placement of planning staff in Local Planning Authorities, particularly in London and the South East.

Deregulation of the Certification of Lawful Development

- 5.11 Paragraph 3.3 explains the role of Lawful Development Certificates to confirm a particular development does not require a formal planning application. Authorities differ in the way they respond to requests for advice as to whether planning consent for a particular project is required. Some are content to provide informal advice, but this can be an unproductive use of officer time and it can raise serious problems if disputes subsequently arise. More authorities are now insisting on the submission of a formal application for an LDC. The fee for this is just half of that for a similar planning application although the requisite paperwork and need for a site visit mean it can require almost as much work for the Authority to process.
- 5.12 By simplifying the GPDO and tailoring it to the needs of householders, it should become easier to establish whether or not development is permitted. It should also be possible to develop e-tools that allow householders – at their risk – to establish for themselves what is permitted.

Box 12 Potential Regulatory Models

Professional Partnership Model – approved agents would be members of a recognised professional body such as RTPI, RICS, RIBA and BIAT who would enforce a code of conduct for agents. The professions concerned would agree a memorandum of understanding with ODPM and local government that sets out the principles, governance arrangements, standards and complaints procedures which the professional bodies would administer. Non-professionals able to demonstrate knowledge of the system could be allowed to issue LDCs under licence from their LPAs (see below).

Single Regulator Model – Approved agents would be administered by a single body such as the Construction Industry Council, which currently regulates approved building inspectors. Anyone could apply to become an approved agent and before they could register they would need to demonstrate requisite levels of probity and competence. The regulator would handle complaints brought to them by councils or householders. Costs of the scheme would be covered by fees paid by agents.

Local Authority Approved Agent Model – Councils would issue licences to agents who operate in their area, subject to checks about probity and competence. A 'lead authority' model could be adopted, with one council licensing and regulating agents on behalf of others.

- 5.13 Some householders may however still require the reassurance that the certificate provides. The extension of permitted development limits, which this

report anticipates would increase the number of developments that are ‘permitted’, and householders may decide they want to have a certificate as part of their portfolio of information about their property.

- 5.14 With sufficient safeguards, local agents could issue LDCs. There are two ways this might work. Local authorities could appoint “approved agents” operating in their area or a householder could choose their own planning agent similar to the way they can now appoint their own Building Inspector. Both options would require regulation and supervision and there are three ways this could be arranged (see Box 12). Each method would need to meet some key criteria:
- LDCs must be backed by insurance, and avenues of redress must be available in the case of under-performance
 - Local authorities must be able to refer complaints and concerns about the performance of suppliers
 - Key stakeholders such as RTPI, RIBA, RICS, BIAT and local government would need to offer their support.
- 5.15 A decision would be required on whether fees for LDCs would be regulated or left to market forces.
- 5.16 The Review’s discussions with prospective providers have indicated there is initial interest among SME planning agents, home improvement companies, local authority and approved (private sector) building control inspectors to provide these services. Home improvement companies would be interested in certifying their work is ‘permitted development’ so that, as in the case of building control they could provide their clients a more streamlined one-stop service. Discussions with local authority and approved (private sector) building control inspectors reveal the potential of exploiting the synergies between building control and planning services for minor development in terms of improved customer services, effective enforcement and efficiency. This should help in achieving recommendation 8 of this report.

Recommendation 11:

Once a new GPDO has been drafted (Recommendation 1), the scope for deregulating the certification of Lawful Development to approved third parties should be fully examined.

SECTION 6

Taking Forward the Review's Recommendations

How You Can Make Comments

- 6.1 Ministers have agreed that the Steering Group's recommendations should be progressed by ODPM and its delivery partners.²⁵
- 6.2 As work begins during 2006, stakeholders can comment on the Review's recommendations. In particular the views of all local planning authorities in England are welcomed.
- 6.3 Any comments can be sent by email to: householderconsents@communities.gsi.gov.uk or to Kathleen Wetterstad, Planning Development Control Division, DCLG, 4/H3 Eland House, Bressenden Place, London SW1E 5DU.
- 6.4 Full formal consultation would be carried out by DCLG on any new draft legislation and guidance.

Implementing the Review's Recommendations

- 6.5 The Steering Group anticipates that the programme of work would include the following tasks:

FOR CREATING A MORE PROPORTIONATE SYSTEM

- Develop detailed proposals for the Reform of Parts 1 and 2 of the GPDO to create a new permitted development order for householders.
- Draft a Plain English user guide for householder development
- Draft model LDOs to illustrate how permitted development rights could be extended locally

²⁵ The Minister for Housing and Planning, Yvette Cooper MP, told Parliament on 11 November 2005 that consultation on possible amendments to the General Permitted Development Order would be undertaken in 2006.

- Develop proposals for a fast track process for planning consent where there are no neighbour objections
- Draft national guidance on householder planning developments and how they are handled.

FOR IMPROVING THE USER EXPERIENCE

- Establish a working Group to define service standards and capture and disseminate good practice in user care
- Complete and roll out the Standard Application Form for planning consent and building regulations approval having regard to both public and private sector building control and processes.

FOR INTRODUCING ALTERNATIVE PROVIDERS AND NEW WORKING METHODS

- Continue work on the development of the local government services market with specific attention to householder developments.
- Continue work to encourage the recruitment and placement of planning staff in LPAs.
- Develop proposals for deregulating the provision of Lawful Development Consents to approved third parties in the light of detailed proposals for the reform of Parts 1 and 2 of the GPDO.

ANNEX 1

The Review Steering Group

The Review was undertaken within the Office of the Deputy Prime Minister under the direction of a Steering Group chaired by, **Dame Mavis McDonald**, until October 2005 ODPM's Permanent Secretary. Its membership comprised:

Robert Upton	Secretary General, Royal Town Planning Institute;
Laurie Bell	Strategic Manager, Community and Environment, North Wiltshire District Council;
Christopher Mills	Technical Director, National House-Building Council;
Teresa Perchard	Policy Director, Citizens Advice Service;
Martin Bacon	Managing Director, Ashford's Future;
Katrine Sporle	Chief Executive, Planning Inspectorate;
Peter Unwin	Director General, Corporate Strategy and Resources, DCLG;
Brian Hackland	Director, Planning, ODPM until October 2005; now Regional Director, Government Office for the East of England;
John O'Brien	Director, Local Government Performance and Practice, DCLG;
Anne Hemming	Head of Buildings Division, DCLG;
Cath Shaw	Divisional Manager for Corporate Strategy , ODPM until September 2005.

ANNEX 2

Terms of Reference

To examine the requirements of the regulatory regimes for minor developments by householders (house extensions, fencing, ancillary buildings, tree felling and pruning, etc), and make recommendations on:

- whether the extent of existing control systems is proportionate to the need to safeguard the public interest and consistent with the Government's deregulatory agenda;
- whether existing control systems are best designed to meet the requirements of all interested parties;
- whether it is practicable to redefine the boundaries of control to remove the need for specific consents to be granted in order to reduce the regulatory and resource burden they entail;
- where it is recommended that specific consents should remain, consider the scope for:
 - combining consent regimes (such as planning consent, conservation area consent and building regulation approval) and how this might best be implemented;
 - changing processes and procedures with a particular view to enabling Local Authorities to make better use of their resources
 - mediation between neighbours;
 - making the consent regimes easier to use by applicants and parties affected by development;
 - making greater use of other service providers in processing applications and the extent to which this would free up public sector resources;
 - transferring functions to more local bodies, in the spirit of new localism.
- how to present proposals for reform and the measures which could be taken to address any concerns (eg over neighbour extensions).

ANNEX 3

Organisations that have contributed to the Review

Alastair Howe Architects	DEFRA
Anglian Windows	Devon CC (LGA)
Arboricultural Association	District Surveyors Association
Ashford's Future	DTI
Association of Consultant Architects	English Heritage
Association of Corporate Approved Inspectors	Environment Agency
Audit Commission	ESRI (UK) Limited
Barnet Council,	Everest Limited
Basement Information Centre	Federation of Master Builders
Bath & NE Somerset Council	Friends of the Earth
Better Regulation Executive	Green Balance Planning & Environment Services
Blanchard Consulting Ltd	Green Generation Ltd.
Bower Mapson Ltd	Guild of Master Craftsmen
British Property Federation	Hambleton District Council
Broadland District Council	Harrison Architects
CAB	Hertfordshire County Council
CABE	Institute of Historic Building Conservation
Camden Council	LABC Services
Carillion Specialist Services Ltd	Law Society
CEMVO Northwest Regional Office:	LB Hounslow
Cheshire CC (LGA)	Leeds City Council
Citizens Advice	LLM Communications
City of Birmingham	Local Government Association
Civic Trust	Local Government Ombudsman
Clement Porter	London Borough of Harrow
CNC Building Control Consultancy	LPC (Trull) Ltd
Council for National Parks	Mansfield BC
Construction Industry Council	Medway Council
CPRE	Micropower Council
DCMS	North Kesteven DC

Nabarro Nathanson	RIBA
National Association of Tree Officers	RICS
National HMO Lobby	Rochdale Council
National Planning Forum	Royal Town Planning Institute
NCC	RPS Consultants
NHBC	Salford City Council
Northgate Land & Property	Savills
North Wiltshire DC	Sevenoaks DC
Oldham MBC	Sheffield University
Oxford City Council	SJ Berwin
PARSOL	Solihull MBC
Pegasus Planning Group	Swindon Borough Council
Persimmon Homes	Teignbridge DC (LGA)
Philippa Jarvis (Planning Consultant)	Telford & Wrekin Council
Planning Advisory Service	Test Valley Borough Council
Planning Aid East Midlands	Tony Michael, Planning Consultant & Agent
Planning Aid London	Torbay Council
Planning Inspectorate	University of Reading
Planning Officers Society	University of Sheffield
Plantech Ltd	University of Westminster
PricewaterhouseCoopers	W Dorset District Council
Regional Centre of Excellence for the East of England	West Midland Planning Aid Office
RB Kensington and Chelsea	Westminster City Council
	Wycombe District Council