

Protection of Family Homes (Enforcement and Permitted Development) Bill

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TO

Make provision about guidance to local authorities on when to take enforcement action for breaches of planning law; to clarify guidance on the scope of permitted development rights; to make provision about rights and entitlements, including of appeal, for people whose homes are affected by such breaches; to make provision for the inspection and regulation of building under the permitted development regime; to establish financial penalties for developers who breach planning law in certain circumstances; and for connected purposes.

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Monitoring

- (1) Local planning authorities must, within 6 months of this Act coming into force, have in place monitoring and inspection arrangements by which to satisfy themselves that developers and those undertaking additions and alterations to residential properties without planning permission are complying with the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as well as any local or specific requirements that may apply. 5
- (2) The arrangements under subsection (1) must include means by which—
 - (a) a resident in a local authority area may request that a building inspector visit and inspect changes being made to a neighbouring property by a commercial developer with a potential impact on the requestor's amenity or property; and 10
 - (b) requests made under paragraph (a) may be considered by the authority and an appropriate response provided. 15
- (3) The Secretary of State may issue guidance to local planning authorities on the implementation of the duties in subsections (1) and (2).

2 Complaints

- (1) Local planning authorities must, within 6 months of this Act coming into force, have in place arrangements –
- (a) to receive, consider and adjudicate on complaints of breaches of permitted development rights within their area from affected residents, householders or their families, including provision for appeals; and 5
 - (b) to determine and implement enforcement action against a person found to have breached permitted development rights, including any additional local restrictions. 10
- (2) The Secretary of State may issue guidance to local planning authorities on the implementation of the duties in subsection (1).

3 Sanctions

- (1) A local planning authority may impose a financial penalty on a developer any of whose alterations to a property are found to have – 15
- (a) exceeded entitlements under permitted developments rights, and
 - (b) created or destroyed a structure, or created conditions, with an adverse impact on the property, or enjoyment of a property (or of amenity of that property), belonging to another person.
- (2) For the purposes of this Act, a “developer” is a person making alterations to a property other than their main residence for the purposes of making a commercial return. 20

4 Reporting

Local planning authorities must make a report to the Secretary of State on the implementation of their duties under sections 1 and 2 within 12 months of this Act coming into force. 25

5 Supplementary guidance on permitted development rights: interpretation

- (1) The Secretary of State must, within 18 months of this Act coming into force, lay before each House of Parliament a report on the compliance of developers with the Town and Country Planning (General Permitted Development) (England) Order 2015 (the “2015 Order”). 30
- (2) A report under subsection (1) must be accompanied by a statement by the Secretary of State on whether results of the monitoring, investigations, complaints or appeals under sections 1 and 2 of this Act provide reasonable grounds for amending the 2015 Order. 35
- (3) After such public consultation as the Secretary of State sees fit, the Secretary of State may –
- (a) issue guidance to planning authorities on the interpretation of the 2015 Order, or
 - (b) amend the 2015 Order by regulation 40
- for the purposes of clarification of the matters mentioned in subsection (2).

6 Regulations

Regulations under section 5 of this Act shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

7 Citation and commencement and extent

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- (1) This Act may be cited as the Protection of Family Homes (Enforcement and Permitted Development) Act 2016.
- (2) This Act comes into force on the day after the day on which Royal Assent was received.
- (3) This Act extends to England and Wales.

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Presented by Steve McCabe.

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