

Extensions: Changes to current PD Rights

We gained consent to extend our home under Permitted Development (PD) rights in July 2010, and we've since been careful to stick within these rights. But then a neighbour requested a visit from an enforcement officer, and we received correspondence stating that although we gained written permission in July 2010, the PD rights guidance changed in August 2010 — meaning we now need to apply for planning permission. If the consent was granted prior to a change in this guidance, is this still enforceable?

The current PD rights system was introduced in 2008 and as with many legislative documents, much of the content was unclear and ambiguous. So to provide clarification on a number of 'grey areas', the previous government published a Technical Guidance document in August 2010.

In your case it seems as though the local planning authority made a judgement based upon its interpretation of the PD rights in July 2010. However, when the enforcement officer considered your scheme, the interpretation was based on the new guidance.

On the face of it, I would suggest that as the local planning authority has formally approved a Lawful Development Certificate for the work in July 2010, it cannot now revoke this as the decision was made using its interpretation of the scheme at the time.

However, Lawful Development Certificates are based on fact and are legal documents. As I do not have all the facts of your case and due to the various legal complexities, I would suggest that you seek out specialist legal advice in this instance to ascertain your position.