

**GREAT LINFORD PARISH COUNCIL
PLANNING POLICY GUIDE
ENCLOSING CARPORTS**

Planning permission with conditions and enforcement actions

We are now in a position to issue advice to residents in regard to internal and external works to car ports, in particular in relation to areas in which Permitted Development Rights have been removed. Advice has been drafted and will be available on the Milton Keynes Council website shortly. I will provide you with the link to this webpage once it becomes available.

In regard to the questions raised as part of the original enquiry, I hope the information below provides you with some clarity on our stance as a Council and how we will be dealing with the particular application types.

1. Can the Council require a developer to provide parking to each dwelling in the numbers, locations and to the standards specified in the 2016 Parking Standards SPD?

The Milton Keynes Parking Standards 2016 is a Supplementary Planning Document used by Officers as guidance when determining planning applications. This is to ensure that sufficient parking is supplied as part of an application to ensure that there is no detriment to Highways safety as a result of the proposal. As such, the Planning Officer can require a developer to provide the parking standards outlined in this document, however, it is guidance only and used as a best case scenario. Each case is assessed in relation to this document on its own merits.

2. Can the Council enforce the decision that garages do not count as parking spaces?

It is specified in Section 4.4 of the Milton Keynes Parking Standards 2016 that “garages do not count as parking spaces”. We are therefore able to enforce this decision.

3. Is the enclosing of a carport by erecting a gate/door; development as defined by s55 of the Town & Country Planning Act 1990?

The Council has received legal advice which sets out that in some instances this is development however, this clearly needs to be considered on a case by case basis and will be dependent on if a properties PD rights are intact.

4. Can permitted development rights be removed, specifically preventing a carport being enclosed with gates/doors?

Yes- this is also outlined in Section 4.21 of the Milton Keynes Parking Standards 2016 that “Permitted development rights to erect gates/doors to the front of carports will be withdrawn” if a carport is granted planning permission.

5. Irrespective of permitted development rights being removed; is the owner of a property able to put gates/doors on the carport without consequence, thus negating the requirements of the original planning permission?

Irrespective of permitted development rights being removed, works to a car port would require planning permission, and there are several conditions that would need to be met for the works to constitute Permitted Development. Should gates/doors be applied to a carport without planning permission, or not meet the conditions of Permitted Development, the Council can take action accordingly. The type and level of action is determined on a case by case basis and would need to be scored in relation the Councils published Enforcement Plan (<https://www.milton-keynes.gov.uk/planning-and-building/report-it-planning-enforcement>) which sets out the circumstances in which enforcement action may be taken.

6. If permitted development rights have been removed; specifically preventing a carport being enclosed with gates/doors; may a property owner put gates/doors on a carport without planning permission and without any consequence?

If Permitted Development Rights have been removed on a property, specifically in regard to works to carports, planning permission will be required for the proposed works to alter the carport. Should it come to our attention that gates/doors have been applied to a carport without planning permission, action will be taken accordingly by our Enforcement Team. The type and level of action is determined on a case by case basis.

7. If permitted development rights have been removed; specifically preventing a carport being enclosed with gates/doors is planning permission necessary to enclose a carport with gates/doors, and can the Council require [by condition or not] that the number of parking spaces to be provided are those approved in the original planning permission and the Parking Standards SPD 2016?

If a planning application is submitted regarding works to enclosing a carport, the proposal will be assessed against a loss of parking to the detriment of Highways safety. Should there be a concern on the impact of the loss of parking to the safety of a Highway; the Planning Officer is able to reasonably request that parking is required in order to ensure that the original number of spaces as part of the original permission is retained. Each application will be assessed on its own merits on a case by case basis.

8. If an application for planning permission is made by the owner of a property; and this includes additional compensatory parking on-plot, then this application is approved by MK Council but the applicant fails to implement the additional compensatory on-plot parking, does this not have any consequences for the applicant?

If planning permission is to be granted on works to a carport, and plans have been submitted demonstrating that a compensatory is to be provided, the applicant would be required by condition to provide this space. We can condition this as a separate condition, or if a parking plan has been submitted, the decision notice for the application states explicitly that the development has to be built by the approved plans.

Should the parking space not be provided, and it has been conditioned by either of the two methods discussed above and comes to the attention of the Enforcement team, action can be taken accordingly. The type and level of action is determined on a case by case basis and would need to be scored in relation the Councils published Enforcement Plan <https://www.milton-keynes.gov.uk/planning-and-building/report-it-planning-enforcement> which sets out the circumstances in which enforcement action may be taken.

I hope this information is of assistance to you and provides clarity on our guidance in regard to works to enclose carports.

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