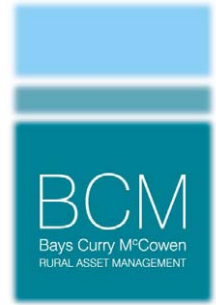


PRESS RELEASE



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Government guidance received over Polytunnels

The High Court decision in December 2006 between the Hall Hunter Partnership and the First Secretary of State has provided a good deal of confusion over the planning status of polytunnels. The assumption many had made following that case was that all polytunnels would require planning consent.

Paul Hudson, the Chief Planner at the Communities and Local Government Department has recently written to the Chief Planning Officers of all Local Authorities to clarify the issue, and in particular to point out that the High Court decision does not necessarily mean that planning is required in every instance, but that each instance will be assessed on its merits particularly with regard to size of the polytunnels, their degree of permanence and their physical attachment to the ground. The letter also offers further guidance as to how polytunnels are going to be treated with respect to the permitted development rights under the Town and Country Planning (General Committee Development) Order 1995.

Andrew Bays of BCM Bays Curry McCowen comments “ the recent court case over polytunnels has created a good deal of uncertainty as to precisely how Planning Authorities are going to treat polytunnels in future. This letter, although being welcomed as it does make clear

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that this court case has not meant that all polytunnels require planning consent, still means that there is a good deal of negotiation and guidance to be required from any Local Planning Authority as to whether planning consent is required and/or whether a building is subject to the permitted development rights. In situations such as this any response received from Planning Authorities should be closely scrutinised as the situation is constantly changing and we have found incorrect advice been given by some Planning Authorities.”

For further information please contact Andrew Bays of BCM Bays Curry McCowen on 01962 763900.



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