

A GENERAL GUIDE TO PLANNING PERMISSION

STEP 1

WHAT IS PLANNING PERMISSION?

The planning system is used to make sure that things get built in the right place.

Planning permission does not control how a building is constructed – that is the function of the Building Regulations (Building Control).

Each Council adopt different policies behind planning permission issues and have accessible 'Development Plan Guidelines' to help.

Draft project plans and informal advice from the council is often advised.

There are separate documents governing the display of signage and developments affecting 'listed' buildings.

Planning regulates the number, size, layout, siting and external appearance of buildings.

Planning regulates the proposed means of access, landscaping and impact on the neighbourhood.

Planning regulates sustainability, and whether the necessary infrastructure, such as roads and water supply, will be available also the proposed use of the development.

STEP 2

DOES MY PROJECT NEED PLANNING PERMISSION?

You do not always need planning permission. Permission is generally not necessary for alterations affecting only the inside of buildings.

Mezzanine floors sometimes can need planning permission due to increasing the internal building size and how the adjacent amenities are affected.

Installations of telephone connections and alarm boxes generally do not need planning permission.

You can informally check with the council whether your proposed development needs planning permission.

At extended, pre-application discussions, the council may charge a fee and you can apply for a formal ruling known as a lawful development certificate.

In many cases involving similar types of use, a change of use of a building or land does not require planning permission.

You will generally need to apply for planning permission to extend retail or office premises however please see general outlining below:

Planning permission WILL NOT normally be required if your extension is:

- (a) less than 1000 square metres of floor space; and
- (b) less than 25 per cent of the volume of the original building; and
- (c) below the height of the original building.

Planning permission WILL be required if the extension:

- (a) materially affects the external appearance of the building; or
- (b) comes within five metres of the boundary of the site; or
- (c) reduces the amount of space available for parking or turning vehicles.

The construction of new premises nearly always needs an application for planning permission. The development plan in force in your area will give you some indication of whether your proposal is likely to be acceptable, so it is worth talking to your council before submitting an application.

STEP 3 MAKING AN APPLICATION

It is not necessary to make the application yourself. If you wish, you can appoint an agent (for instance, an architect, a planning consultant, design consultant or a builder) to make it for you.

Anyone can make an application, irrespective of who owns the land or buildings concerned, however the owner must be informed.

If project budgets are tight, why not see if a volunteer adviser from Planning Aid can help with an application.

The council will provide you with a planning application form and guidance on the information they expect you to provide. However, before you start to fill in the form, it is strongly recommended that you arrange to meet a planning officer for an informal discussion.

For a new building, you may be able to make an outline application to find out whether the development is acceptable in principle.

This usually means that detailed drawings are not needed.

From an initial consultation with the council, they should be able to advise whether the application needs a Transport Assessment, a Flood Risk Assessment, a Conservation Area Appraisal or a Tree Survey which are sometimes needed for more complex planning projects.

The simple steps to making an application are outlined below:

1. Contact your council and tell it what you want to do
2. If relevant, ask to see the Development Plan and discuss any potential problems

3. Obtain an application form. Find out how many copies you will be required to submit
 4. Decide on the type of permission you wish to apply for
 5. If necessary, consult neighbours or others who will be affected by your proposals
 6. Submit application with certificate of ownership/notification and the fee
 7. Find out when the decision is likely to be made
-

STEP 4

AFTER SUBMITTING AN APPLICATION

Before deciding your application, the council has to tell other people about what you propose and consider their views.

Once your application has been accepted, a copy will be placed in the planning register to be available to anyone who wants to see it.

The council will notify immediate neighbours by letter or will fix a notice on or near the site. The local and council websites may also be informed.

The Environment Agency and the Highways Agency may also need to be consulted.

All of the above is to notify concerned public, councils and businesses on the application.

STEP 5

WHEN PERMISSION IS GRANTED

The council grants planning permission by sending you a letter notifying you of its decision.

Generally, unless your permission says otherwise, you can begin the development at any time within three years of the granting of planning permission.

It may be possible for you to make minor changes as you proceed but you should check the position with the council first. Any significant variation would require a further planning application.

As an alternative to outright refusal, the council may grant permission subject to conditions, restricting, for example, what you can do on the premises, or requiring you to get specific approval for aspects of the development, such as the materials to be used, before you can proceed.

Planning permission runs with the land. This means that land or buildings can usually be sold or let with the benefit of planning permission.

Occasionally, however, planning conditions may limit the use or occupation of land or premises to a named person or company.

If you wish to sell or let a building or land which is subject to such a conditional permission you will need to apply to the council to remove the condition.

STEP 6 IF PERMISSION IS REFUSED & THE APPEAL PROCESS

If the council refuses your application outright, you have the right to appeal to the First Secretary of State.

If you do not get a decision within 8 weeks of making your formal application you also have the right to appeal to the First Secretary of State.

Appeals are considered by an independent Planning Inspector, appointed by the First Secretary of State.

There is no charge for making an appeal but you will inevitably incur some expenses in presenting your case.

This guideline provides an introduction to the Planning Permission requirements in England and Wales and is intended as a general guideline for anyone proposing to carry out an application
It is not a statement of the law but is intended to simply help you to understand the system.
