



beauty & style, naturally

# Planning Information sheet 1

## Background

When making an application the Council Officers and members of the committee are required to consider many influences including: Statute, Policy Guidelines, circulars from central Government, The County Structure Plan, The Borough Local Plan, Interests of neighbours and the wider community, Character of the area and many more.

Each planning service employs many professional and technical staff that can usually be divided into two sections. A typical Council organisation would be as follows:

- Policy & Implementation – Strategic matters.
- Development Control – Day to day advice, dealing with applications, enforcement and appeals.
- Much of the Planning services work is reported to:

**Executive Committee** – dealing with Planning policy, transportation, certain major developments and environmental enhancement.

**Planning Committee** – deals with planning and related applications together with enforcement matters and usually meets every 4 weeks or so (although this varies).

Often decisions on Building Control applications and on most minor planning applications are dealt with under delegated powers. Matters of greater importance, contention, or principal will usually go before the Committee.

Most Councils try to assist the public by:

- Providing free advisory leaflets.
- Advising on specific queries.
- Notifying neighbours of applications likely to affect them.
- Visiting site and giving reaction to proposed applications.
- Making the structure plan and Borough plan available for reference.
- Access to council Committee meetings.

## Introduction

The purpose of the planning system is to protect the amenity and the environment in the public interest. It is prepared to help balance the developments the country needs with our need to protect and improve the environment. It is not designed to protect the interests of one person against another.

Under the Town & Country Planning Act 1990 Planning Authority's are required to prepare and adopt a development plan. These include the Authorities policies to matters relating to development. They are required to be made available to the public. Copies are generally available for public viewing on the internet or at the Planning Office. Authorities should also allow individuals or organisations to take photocopies of relevant pages.

### **What needs planning permission?**

The term development is defined by statute and includes the building of new structures, their extension or alteration, or the change of use of land or buildings.

- Most Councils are happy to give advice on whether planning permission is required.
- In some circumstances whilst planning permission may not be required, other forms of permission may be needed such as:
  - Listed building consent – where demolition or alterations to a listed building are proposed.
  - Conservation area consents – where demolition of a non-listed structure in a conservation area is proposed.
  - Demolition consent – for certain types of building (building regulations approval is usually required in any case).
  - Advertising consent (including most illuminated adverts).

### **Working from home**

Permission is not generally needed to work from home. The main considerations are:

- Will the home no longer be used as a private residence?
- Is it still mainly a home or has it become business premises.
- Will the business result in a marked rise in traffic and/or callers?
- Will the business include activities unusual in a residential area?
- Will the business disturb neighbours at unreasonable hours or with noise or smells?

### **Change of use**

Planning permission to change the use of buildings or land is not needed in many cases i.e. when both present and proposed uses fall into the same use class. A full list of these categories is available on the Website of the ODPM (office of the Deputy Prime Minister).

### **Extending existing premises**

Minor extensions including the erection of additional buildings within the Curtilage do not usually need planning permission because it may already be permitted under schedule 2 of the Town & Country Planning (General Permitted Development) Order 1995. Rural Leisure Limited have a copy and would be pleased to refer to this document on your behalf.

## **Permitted Development (Domestic)**

*You can usually do the work discussed below without getting planning permission but there are a few exceptions – so check first.*

Many kinds of buildings and structures can be built in your garden without the need to apply for planning permission. These can include sheds, garages, greenhouses/potting sheds, accommodation for pets and domestic animals, summerhouses, swimming pools, ponds, sauna cabins, enclosures (including tennis courts) and many other kinds of structure.

You will need to apply for planning permission if any of the following cases apply.

### **Buildings within 5 meters of your house:**

- If your house is a listed building, you want to put up a structure with a volume of more than 10 cubic meters.
- In a terraced house or any house in a Conservation Area, National Park, an Area of Outstanding natural beauty or the Broads where the volume of the original would be increased by more than 10% or 50 cubic meters whichever is the greater.
- For any other kind of house outside those areas, the volume of the original house would be increased by more than 15% or 70 cubic meters (whichever is the greater); and
- In any case, the volume of the 'original house' would be increased by more than 115 cubic meters.
- Volume is calculated from external measurements.
- If an extension to your house comes within 5m of another building belonging to your house, the volume of that building counts against the allowance for additions and extensions.
- Any building which has been added to your property and which is more than 10 cubic metres in volume and which is within 5 metres of your house is treated as an extension of the house and so reduces the allowance for further extensions without planning permission.

### **Buildings or Structures on the land around your house:**

- You want to put up a building or structure, which would be nearer to any highway than the nearest part of the 'original house', unless there would be at least 20 meters between the new building and any highway. The term 'highway' includes public roads, footpaths, bridleways and byways.
- Additions or other buildings would cover more than half the area around the "original house".
- The building or structure is not to be used for domestic purposes, and is to be used instead, for example, for parking a commercial vehicle, running a business or storing goods in connection with a business.
- You want to put up a structure if it is more than 3m high or 4m if it has a ridged roof.
- If your house is a listed building, you want to put up a structure with a volume of more than 10 cubic meters.

Other consents may be required under the building regulations or if your house is a listed building or in a conservation area more restrictive rules apply to properties according to their individual styles by the use of special planning conditions – always check first, in some instances development without permission in these areas is a criminal offence and carries heavy fines etc.

## **Building new premises**

The building of new premises nearly always needs an application for planning permission. Talk to your council before submitting your application because if there are problems the officer may be able to suggest ways to make the application more acceptable. Officers however cannot guarantee that planning permission will be granted.

## **Certificate of lawfulness**

This is a formal way to find out if permission is needed, you can apply before or after the work is carried out, although it is safer to do so before. It is useful, for instance, if the previous owner has carried out work without proper permission. If there is any doubt whether planning permission is needed then it is usually best to make a full application. When you apply for a LDC (Lawful Development Certificate) the council is required to give a purely legal answer – planning permission is needed or it is not needed. Whether the council likes the details of the proposal or not is irrelevant.

## **Planning applications**

If you find that you still need to make an application, you may find the following to be of assistance.

- Study the Local Development Plan.
- Avoid contentious proposals.
- Lobby Parish town or community councillors, local district Councillor, MP, Neighbours and any other influential parties.
- Decide whether full or outline permission would be the most appropriate.
- Be prepared to compromise.
- Ensure all drawings are clear and concise.
- Consider restraining the initial development within your permitted rights then apply as a resident for an extension.
- Think about negotiating tactics (if you apply for a bigger house than needed then compromise you may get what you want).
- Prepare a detailed photo dossier.
- Do not lose your temper.
- Arrange site meetings to overcome contentious issues.
- Offer to accept conditional approval.
- Keep tabs on progress.
- Be aware of how long things can take.
- Be prepared to go to the top.
- Choose a design professional with the best track record.
- Consider appeal or threaten one if it may help.
- Consider independent reports or the use of a planning consultant.
- Look for precedents.

## **Broadly the stages for making a planning application are as follows:**

- Contact your local planning authority and tell them what you want to do. Ask whether there seems a reasonable chance of it being granted. Discuss problems such as roads, footpaths, watercourses, telephone wires, sewers, power cables, noise and traffic.
- Ask to see the local plan and discuss any potential problems.
- Decide on the type of permission – outline or full.
- Submit application.
- Get a timetable and keep in touch with progress.

In some complicated cases it may be advisable to use other consulting bodies such as:

- The Environment Agency or water and sewage undertaker – to overcome potential sewerage or water and or flooding problems.
- The Highway Authority (usually the county council) – to discuss road safety and traffic matters.
- The Health and Safety Executive – to agree the method of dealing with dangerous chemicals such as waste or Asbestos.

If you are concerned about a legal problem involving planning you may get professional advice or ask your local citizens advice bureau. There are some charities set up to give free advice on planning matters, your citizens advice bureau should be able to put you in contact with these.

Always check with your planning office before proceeding.

In most cases, decisions should be made within 8 weeks. Larger or more complex applications will usually take longer. Your council should be able to give you a likely timetable.

Factors which should affect decisions:

- Government planning advice.
- Structure plan policy.
- Local plan policy.
- Informal council guidance.
- Special designations i.e. Green belt, Conservation area, Area of outstanding beauty, Site of special scientific interest, National Park.
- Size and shape of the site.
- Sizes and positions of buildings.
- Relationship to other properties.
- Pattern of development.
- Site layout.
- Amount of garden area.
- Trees and hedges.
- Turning space and parking.
- Drainage.
- Overshadowing and overlooking.
- Noise and disturbance.
- Blocking adjoining windows.
- Character of the area.
- Impact on the setting.
- Character of the area.
- Impact on the setting.
- Design and appearance.
- Effect on the countryside.
- Type of materials.
- Compatibility with existing buildings.
- Public rights of way.

Factors which should not affect planning decisions.

- Structural stability.
- Stability of adjoining buildings.
- Safety of materials.
- Boundary and neighbour disputes.
- Private rights of way.
- Rights of light.
- Access to maintain other property.
- Personal circumstances.
- Identity of applicant.
- How long applicant lived on the area.
- Motives of the applicant.
- Future intentions.
- Financial viability.
- Loss of private views.
- Values of property.
- Supervision and standard of work.
- Disruption during construction.
- Precedent.
- Benefits unrelated to proposal.

## **Appeals**

- If the local planning authority fails to determine the application you can appeal.
- If your application is refused you can appeal, appeals do not cost additional fees. Approximately 35% of business appeals succeed.
- If you get a delayed decision within 8 weeks you can appeal to the secretary of state. If you do this, the application is out of the council's hands but it may take longer to decide than if you had accepted the council delay.

## **How we can help**

If you are having difficulty or just don't have time and want us to do the legwork we offer a full range of services including planning advice, application service, architectural drawings and building control approvals, soil analysis and structural calculations.

We have a qualified planning consultant who has many years experience with log cabins and planning and offer a free initial consultation to give an opinion as to viability. Subsequent work would be the subject of a quotation.

## **Drawings**

Copies of standard drawings are usually available free of charge. The cost of amendments or new drawings is chargeable at a rate of £180 per minor amendment £280 per detailed amendment and £350 - £450 per new drawing.

## **Planning consultancy**

Where we carry out planning consultancy for you through our approved independent consultant, the rates would be as follows; basic hourly rate £115/hour plus VAT, for all time spent on a case, disbursements at cost, travel at £0.55p/mile. As a guide a straight forward application would cost somewhere between £1500.00p to £2000.00p. For Public enquiries you would need to budget about £8,000.00p to cover all the professional fees for a one day enquiry. Most cases would be dealt with in one of these methods.

## **Disclaimer**

*This document has been prepared to assist in the understanding and maximising the planning system. Rural Log Cabins Limited accepts no liability for inaccuracies or omissions and or the misuse of the information contained herein. All information is used or actions taken entirely at the users own risk. Always get a second opinion.*

## **Confidentiality & Copyright**

*All documentary material remains the property of Rural Log Cabins Limited and must not be copied or passed on to third parties.*

**RLCL revision 31/03/08**