



Planning

A Guide for Householders

What you need to know
about the planning system

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It is expected that the rules governing what householders can do without the need to apply for planning permission will change on 1 October 2008. The advice contained on pages 7 to 21 only applies therefore to works begun before that date.

Further guidance on the new system will be issued nearer the time and will be available at www.communities.gov.uk and www.planningportal.gov.uk.

1. Introduction

The planning system plays an important role in modern society by helping to protect the environment in our towns and cities and in the countryside. Planning regulations have to cover many different situations and even the provisions which affect the average householder are quite detailed. This booklet gives a simplified guide to those aspects of the planning system which you are most likely to encounter. However, **it is not the law, nor does it claim to be an authoritative interpretation of the law.**

The general planning principles and the procedures for making a planning application described in this booklet apply equally to owners of houses and to freeholders or leaseholders of flats and maisonettes. However, the rules that say when you need to apply for planning permission will differ according to whether you own a house or a flat/maisonette. The different rules are described in Chapter 4. You will see that flats and maisonettes have fewer rights than houses.

Parliament has given the main responsibility for planning to local planning authorities. If you have any queries about a particular case, the first thing to do is to ask the planning department of your local council. You may also be able to find out more about planning law in your local library, and a great deal of planning guidance is now accessible on the internet.

Planning permission itself does not give anyone the right to do anything on someone else's land. If planning permission has been granted to your neighbour, for instance, you may still be able to take your own legal action to defend any private rights you or your property may have. If you are concerned about a legal problem, the local Citizens Advice Bureau or a solicitor may be able to help.

Consent required under the Building Regulations is a quite separate matter from planning permission. A free explanatory booklet is available. There is a list of useful publications at the end of this Guide.

2. Why planning controls are needed

The purpose of the planning system is to protect amenity and the environment in the public interest. It is not designed to protect the interests of one person over another. Within the framework of legislation approved by Parliament, councils should try to ensure that development is allowed where it is needed, while ensuring that the character and amenity of the area are not adversely affected by new buildings or changes in the use of existing buildings or land.

Some people think the planning system should be used to prevent any change in their local environment, while others think that planning controls are an unnecessary interference with individual rights. The present position is that major works need planning permission from the council but many minor works do not. The Government thinks this is the right balance. Councils can use planning controls to protect the character and amenity of their area, while individuals have a reasonable degree of freedom to alter their property.

3. Before you start work

There are many kinds of alterations and additions to houses for which you do not need to apply for planning permission. Chapter 4 of this booklet will help you decide if you need to apply. Whether or not you need to apply, you should think about the following before you start work.

Your neighbours

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Let your neighbours know about work you intend to carry out to your property. They are likely to be as concerned about work which might affect them as you would be about changes which might affect your enjoyment of your own property. Even if what you want to do would be lawful from a planning point of view, there is no point in upsetting neighbours if a compromise could be agreed. For example, if your building work could take away some of your neighbours' light or spoil a view from their windows, you may be able to meet some of their worries by modifying your proposal. Even if you decide not to change what you want to do, it is usually better to have told your neighbours what you are proposing before you go ahead.

If the work you carry out seriously overshadows a neighbour's window, and that window has been there for 20 years or more, you may be affecting a "right to light" and you could be open to legal action by the neighbour. It is best to consult a lawyer if you need advice about this.

If you do need to make a planning application for the work you want to carry out, the council will give neighbours and others the opportunity to express their views. If you or any of the people you are employing to do the work need to go onto a neighbour's property, you will, of course, need to obtain his or her consent before doing so.

Design

Everybody's taste varies and different styles will suit different types of property. Nevertheless, a well-designed building or extension is likely to be much more attractive to you and to your neighbours. It is also likely to add value to your house when you sell it. It is therefore worth thinking carefully about how your property will look after the work is finished. Extensions often look better if they use the same materials and are in a similar style to the buildings

which are there already. It is impossible to give a single definition of good design in this context: there may be many ways of producing a good result. In some areas, the council's planning department issues design guides or other advisory leaflets which may help you. You may wish to consider using a suitably qualified, skilled and experienced designer.

Crime prevention

You may feel that your home is secure against burglary and you may already have taken some precautions such as installing security locks to windows. However, alterations and additions to your house may make you more vulnerable to crime than you realise. For example, an extension with a flat roof, or a new porch, could give access to upstairs windows which previously did not require a lock. Similarly, a new window next to a drainpipe could give access. Ensure that all windows are secure. Also, your alarm system may need to be extended to cover any extra rooms or a new garage. The crime prevention officer at your local police station can provide helpful advice on ways of reducing the risk.

Lighting

Light itself, and minor domestic light fittings, are not subject to planning controls. Nevertheless, if you are planning to install external lighting for security or other purposes, you should ensure that the intensity and direction of light do not disturb others. Many people suffer extreme disturbance due to excessive or poorly-designed lighting. Ensure that beams are **NOT** pointed directly at windows of other houses. Security lights fitted with passive infra-red detectors (PIRs) and/or timing devices should be adjusted so that they minimise nuisance to neighbours and are set so that they are not triggered by traffic or pedestrians passing outside your property. A neighbour might take you to court if you are negligent or cause nuisance.

Covenants and private rights

Covenants or other restrictions in the title to your property, or conditions in the lease, may require you to get someone else's agreement before carrying out some kinds of work to your property. This may be the case even if you do not need to apply for planning permission. You can check this yourself or consult a lawyer. You may also find that some properties enjoy historic rights. The council has no involvement in checking or enforcing your private rights such as a "right to light".

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Other consents

Whether or not you need to apply for planning permission, there are other consents or approvals you may need to obtain before you can start work. They are described in Chapter 6.



4. Do you need to apply for planning permission?

This chapter gives general guidance about the kinds of work for which you need to apply for planning permission and those for which you do not. If you are in any doubt about whether you need to apply, you should consult the planning department of your council. They will usually give you advice but, if you want to obtain a formal ruling, you (or your adviser) can apply, on payment of a fee, for a “lawful development certificate” by writing to the council with details of the work you want to carry out.

Take Care! If you build something which needs planning permission without obtaining permission first, you may be forced to put things right later, which could prove troublesome and costly. You might even have to remove an unauthorised building.

By the way, for those in a National Park, references in this booklet to “the council” will usually mean the relevant National Park Authority, which deals with most planning matters relating to land within the Park.

When you will need to apply for planning permission

The following are common examples of when you will need to apply for planning permission.

- You want to make additions or extensions to a flat or maisonette (including those converted from houses). (But you do not need planning permission to carry out internal alterations or work which does not affect the external appearance of the building).
- You want to divide off part of your house for use as a separate home (for example, a self-contained flat or bed-sit) or use a building or caravan in your garden as a separate residence for someone else. (But you do not need planning permission to let one or two of your rooms to lodgers).
- You want to build a separate house in your garden.
- You want to divide off part of your home for business or commercial use (for example, a workshop) or you want to build a parking place for a commercial vehicle. (The Department’s free booklet, **Planning Permission: A Guide for Business,**

available from your council, gives advice about working from home and whether planning permission is likely to be required).

- You want to build something which goes against the terms of the original planning permission for your house – for example, a planning condition may have been imposed to stop you putting up a fence in the front garden. Your council has a record of all planning permissions in its area.
- The work you want to do might obstruct the view of road users.
- The work would involve a new or wider access to a trunk or classified road.

The rest of this chapter gives further advice on when you will need to apply for planning permission. If this booklet does not cover what you wish to do, you should discuss your proposals with the planning department of your council.

Permitted development rights

If you live in a house, you can make certain types of minor changes to your home without needing to apply for planning permission. These rights, called “permitted development rights”, are described in this chapter. They derive from a general planning permission granted not by the local authority but by Parliament.

In some areas of the country permitted development rights are more restricted. If you live in a

Conservation Area, a **National Park**, an **Area of Outstanding Natural Beauty** or **the Norfolk or Suffolk Broads**, you will need to apply for planning permission for certain types of work which do not need an application in other areas. There are also different requirements if your house is a **listed building**. These are described in the relevant sections of this chapter.

Flats and maisonettes are dealt with in Section I.

Your council's powers to withdraw permitted development rights

You should also note that the council may have removed some of your permitted development rights by issuing an **Article 4 direction**. This will mean that you have to submit a planning application for work which normally does not need one. Article 4 directions are made when the character of an area of acknowledged importance would be threatened.

They are most common in conservation areas. You will probably know if your property is affected by such a direction, but you can check with the council if you are not sure.

The sections below explain when you need to apply for planning permission.

Section A House extensions and additions including conservatories, sun lounges, enclosing existing balconies or verandahs, loft conversions, dormer windows and roof additions

Section B Buildings and other structures on the land around your house, for example, garages, garden sheds, greenhouses and swimming pools

Section C Adding a porch to your house

Section D Fences, walls, and gates

Section E Patios, hard standing, paths and driveways

Section F Satellite dishes, and television and radio aerials

Section G Decoration, repair and maintenance

Section H Demolition of buildings

Section I Flats and maisonettes

Section A

Extending your house

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You need to apply for planning permission to extend or add to your house in the following circumstances.

- You want to build an addition which would be nearer to any highway than the nearest part of the “original house”, unless there would be at least 20 metres between your house (as extended) and the highway. The term “highway” here includes all roads, footpaths, bridleways and byways if they are public rights of way. (There are special rules for porches, see Section C.)
- Your house is a listed building.
- More than half the area of land around the “original house” would be covered by additions or other buildings.

The term “original house” means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). Although you may not have built an extension to the house, a previous owner may have done so.

You will also need to apply for planning permission if the extension or addition exceeds the following limits on **height** or **volume**.

Height limits for extensions

You will need to apply for planning permission before building an extension to your house if:

- the extension is higher than the highest part of the roof of the “original house”; or
- any part of the extension is more than 4 metres high and is within 2 metres of the boundary of your property. (Loft conversions and dormers have separate rules, explained below.)

You should measure the **height** of buildings from the ground level immediately next to it. If the ground is uneven, you should measure from the highest part of the surface, unless you are calculating volume.

Volume limits for extensions

You will need to apply for planning permission before building an extension if:

- for a **terrace house** (including an end of terrace house) or any house in a **Conservation Area, a National Park, an Area of Outstanding Natural Beauty or the Broads** – the volume of the “original house” would be increased by more than 10% or 50 cubic metres (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 metres (whichever is the greater); and
- in any case, the volume of the “original house” would be increased by more than 115 cubic metres.

Volume is calculated from the external dimensions of the entire structure of the extension.

In the following circumstances, the volume of other buildings which belong to your house (such as a garage or shed) will count against the volume allowances. In some cases, this can include buildings which were built at the same time as the house or existed on 1 July 1948.

- If an extension to your house comes within 5 metres of another building belonging to your house, the volume of that building counts against the allowance for additions and extensions.

- If you live in a **Conservation Area**, a **National Park**, an **Area of Outstanding Natural Beauty** or the **Broads**, and the building you wish to add would be more than 10 cubic metres in volume, it will (regardless of where situated in relation to the house) be treated as an extension of the house, and reduce the allowance for further extensions.
- Elsewhere, if you add to your property any building more than 10 cubic metres in volume **and** within 5 metres of your house, it will be treated as an extension of the house, and reduce the allowance for further extensions.

If any of these cases apply, the volume of the building concerned will be deducted from your volume limit for extensions and additions to your house. For example, if your volume limit is 50 cubic metres and a building of 15 cubic metres in volume is treated as an extension to the house, then your volume limit for extensions would be reduced to 35 cubic metres.

Limits for roof extensions, loft conversions and dormer windows

You do not normally need to apply for planning permission to re-roof your house (see Section G) or to insert roof lights or skylights.

However, there are some special rules which govern extensions to the roof. You will need to apply for planning permission if you live in a **Conservation Area**, a **National Park**, an **Area of Outstanding Natural Beauty** or the **Broads** and you want to build an extension to the roof of your house or any kind of addition which would materially alter the shape of the roof.

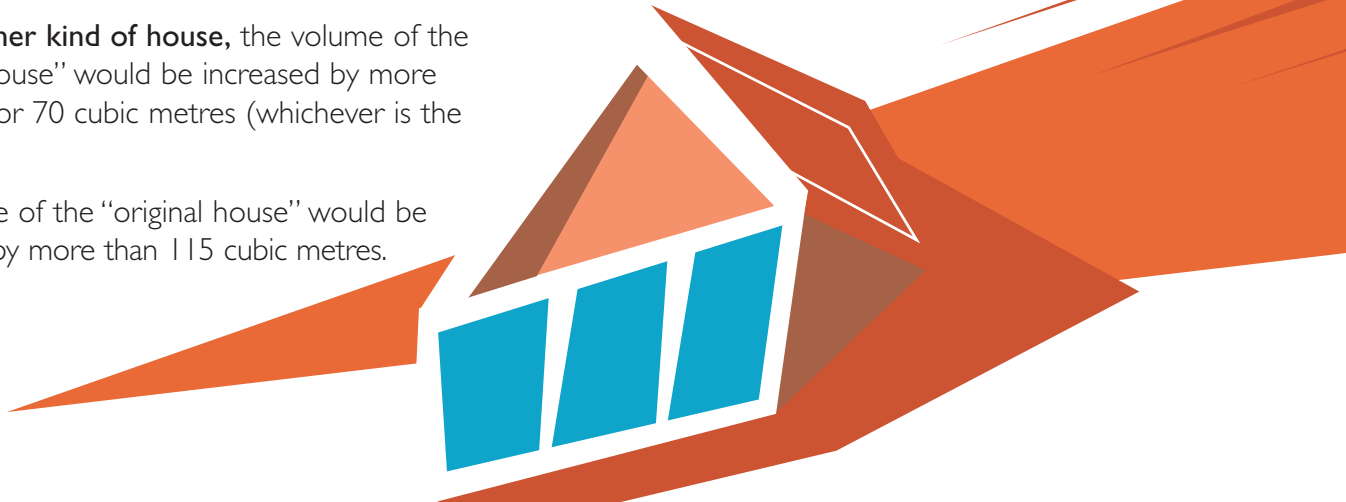
Outside those areas, you need to apply for planning permission if any of the following is true:

- the work would make some part of the house higher than the highest part of the existing roof.
- the dormer or other addition you want to build would extend beyond the plane of any existing roof slope facing a highway.

- a roof extension would add more than 40 cubic metres to the volume of a terraced house or more than 50 cubic metres to any other kind of house.

Note: additional volume created by any extension – and that includes roof extensions – will count against the total volume limit for your house. So you will also need to apply for planning permission before building a roof extension if:

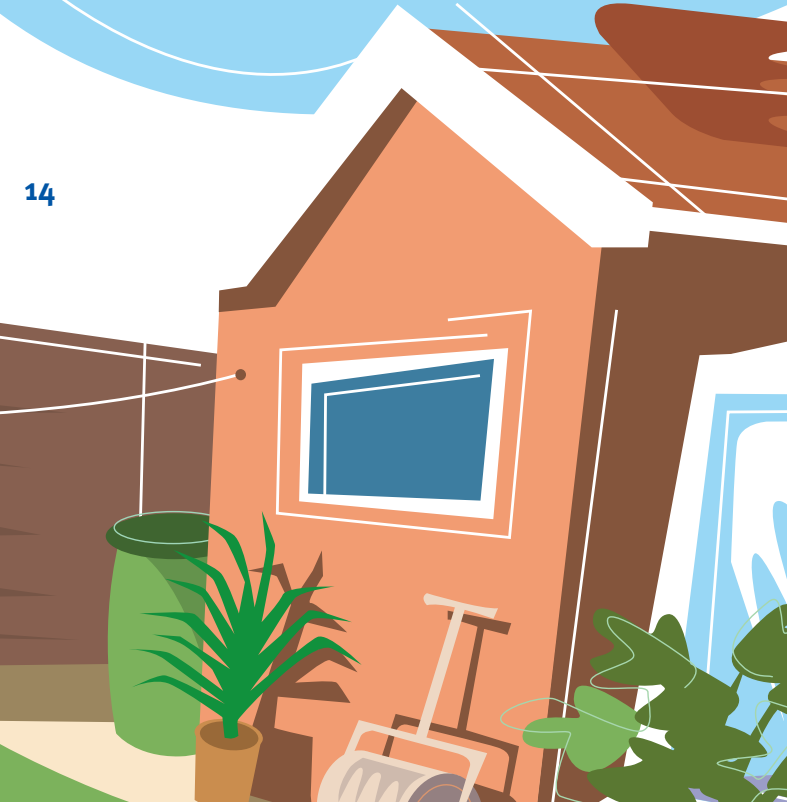
- for a **terrace house**, the volume of the “original house” would be increased by more than 10% or 50 cubic metres (whichever is the greater);
- for **any other kind of house**, the volume of the “original house” would be increased by more than 15% or 70 cubic metres (whichever is the greater);
- the volume of the “original house” would be increased by more than 115 cubic metres.



Section B

Buildings and other structures on the land around your house

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

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

- 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 metres between the new building and any highway.
- More than half the area of land around the “original house” would be covered by additions or other buildings. The meaning of “original house” is explained in Section A.
- Your house is a **listed building**, and you want to put up a building or structure with a volume of more than 10 cubic metres.

- The building or structure is not to be used for purposes ancillary to domestic use and is to be used instead, for example, for parking a commercial vehicle, running a business or for storing goods in connection with a business.
- You want to put up a building or structure which is more than 3 metres high, or more than 4 metres high if it has a ridged roof. (Measure from the highest ground next to it.)
- You live in a **Conservation Area**, a **National Park**, an **Area of Outstanding Natural Beauty**, or the **Broads**, and you want to put up a building or structure with a volume of more than 10 cubic metres (though it might be allowable as an extension).

Note: in all cases, if your new building would have a volume over 10 cubic metres and come within 5 metres of the house, you need to be aware that it could be treated as an extension (and its volume deducted) when calculating your entitlement to extend the house (see Section A). Also, if your new extension would bring some existing garden building within 5 metres of the (extended) house, that

existing building's volume could be deducted from your overall volume entitlement for the house, as if it were another extension. Ask your council if in doubt.

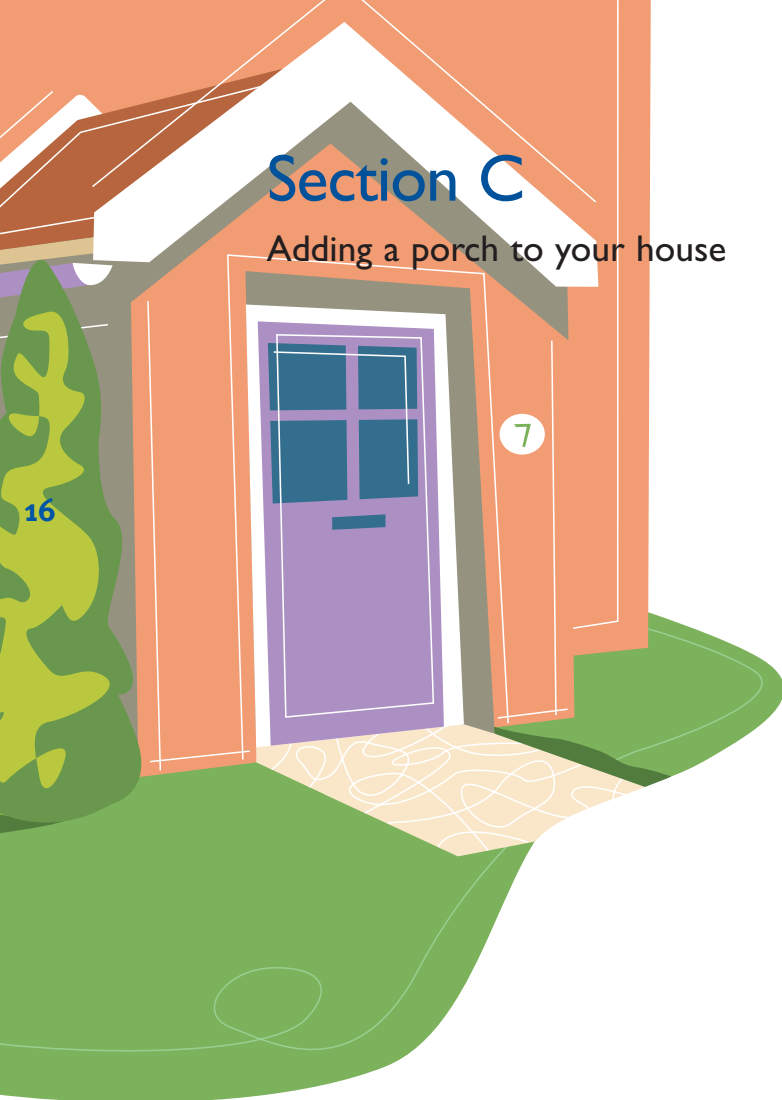
Fuel storage tanks

You will need to apply for planning permission in the following circumstances.

- You want to install a storage tank for domestic heating oil with a capacity of more than 3,500 litres or a height of more than 3 metres above ground level.
- You want to install a storage tank for domestic heating oil which would be nearer to any highway than the nearest part of the "original house", or situated less than 20 metres from any highway (whichever is the shorter distance). The term "highway" here includes public roads, bridleways, footpaths, or any other public right of way.
- You want to install a tank to store liquefied petroleum gas (LPG) or any liquid fuel other than oil.

Section C

Adding a porch to your house



You will need to apply for planning permission if the porch:

- would have a ground area (measured externally) of more than 3 square metres; or
- would be higher than 3 metres above ground level; or
- would be less than 2 metres away from the boundary of a dwellinghouse with a highway (which includes all public roads, footpaths, bridleways and byways).

Section D

Fences, walls and gates

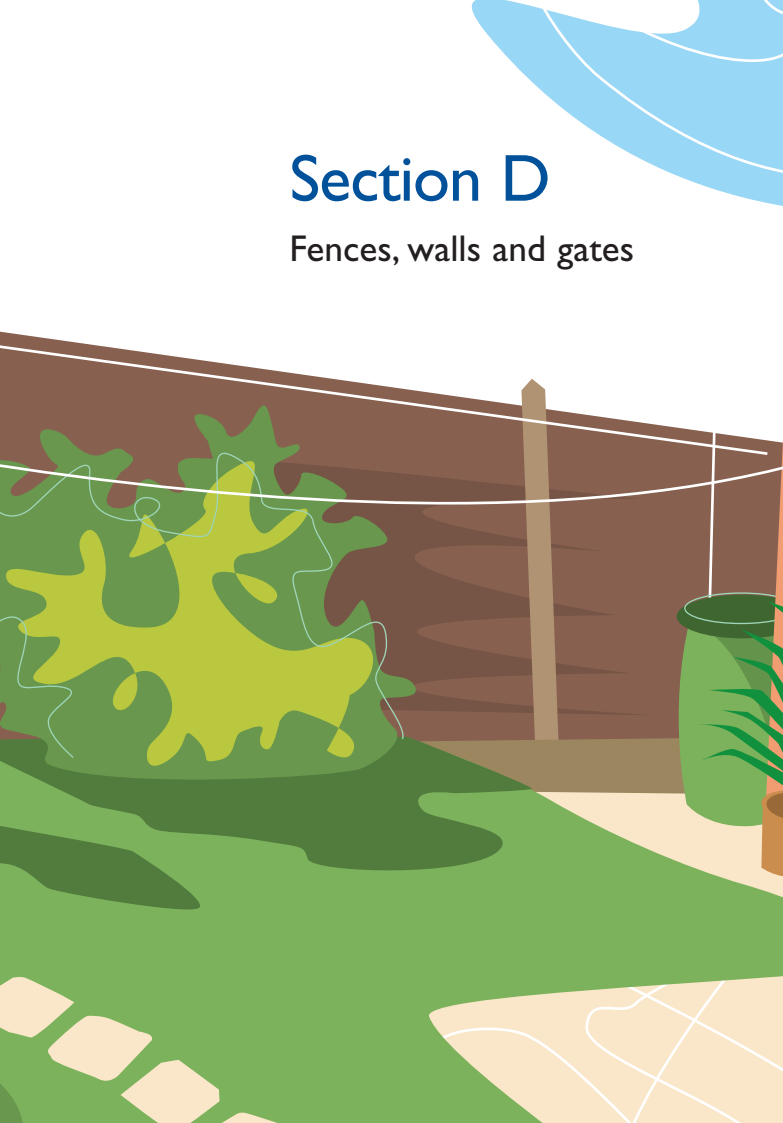
You will need to apply for planning permission if you wish to erect or add to a fence, wall or gate, and:

- it would be over 1 metre high and next to a highway used by vehicles (or the footpath of such a highway); or over 2 metres high elsewhere; or
- your right to put up or alter fences, walls and gates is removed by article 4 direction (see page 9) or a planning condition; or
- your house is a listed building or in the curtilage of a listed building.

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You will **not** need to apply for planning permission to take down a fence, wall or gate, or to alter or improve an existing fence, wall or gate (no matter how high) if you do not increase its height. **In a conservation area**, however, you might need conservation area consent to take down a fence, wall or gate.

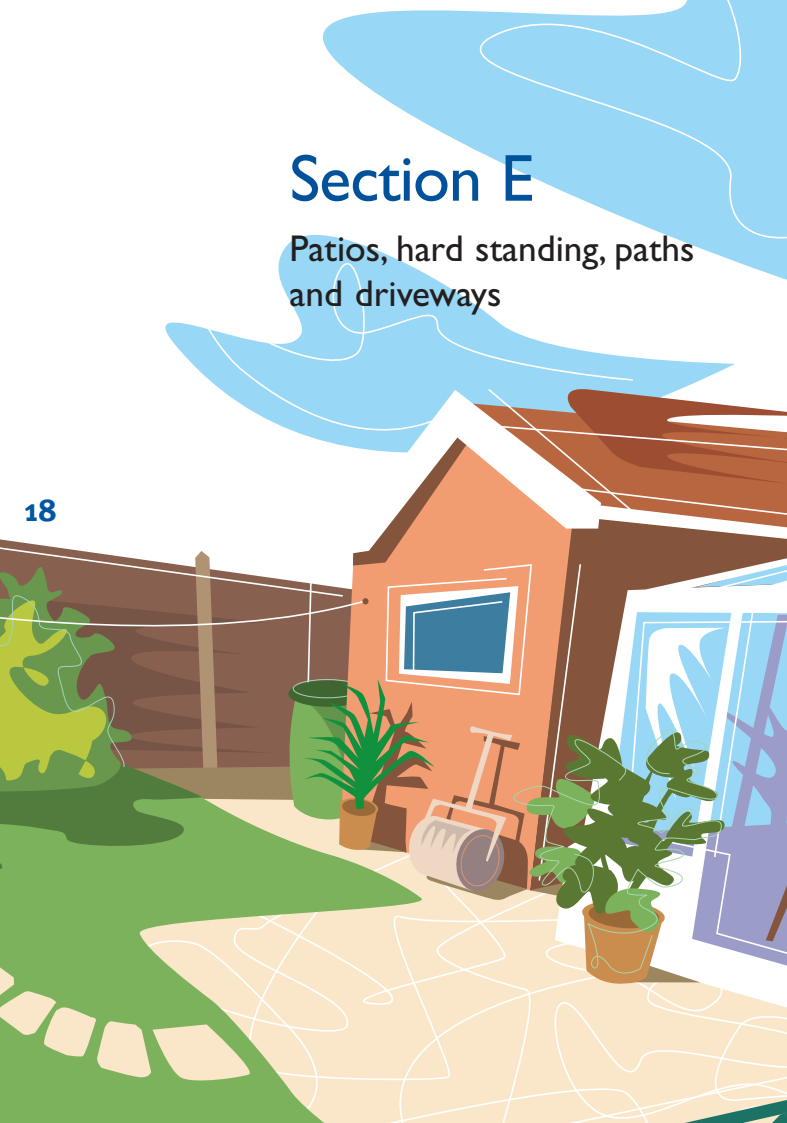
You do not need planning permission for hedges as such, though if a planning condition or a covenant restricts planting (for example, on “open plan” estates, or where a driver’s sight line could be blocked) you may need to apply for planning permission and/or gain other consent.



Section E

Patios, hard standing, paths and driveways

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There are no restrictions on the area of land around your house which you can cover with hard surfaces at, or near, ground level.

However, significant works of embanking or terracing to support a hard surface might need a planning application. Alternatively, an elevated patio or decking, especially if it creates useable space underneath, might be regarded as an extension or garden building, and subject to the appropriate limits. You will also need to apply for planning permission if the hard surface is not for domestic purposes and is to be used instead, for example, for parking a commercial vehicle or for storing goods in connection with a business. Ask the council if in doubt.

You must obtain the separate approval of the highways department of your council if a new driveway would cross a pavement or verge. You will also need to apply for planning permission if you want to make a new or wider access for your driveway on to a trunk or other classified road. The highways department of your council can tell you if the road falls into this category.

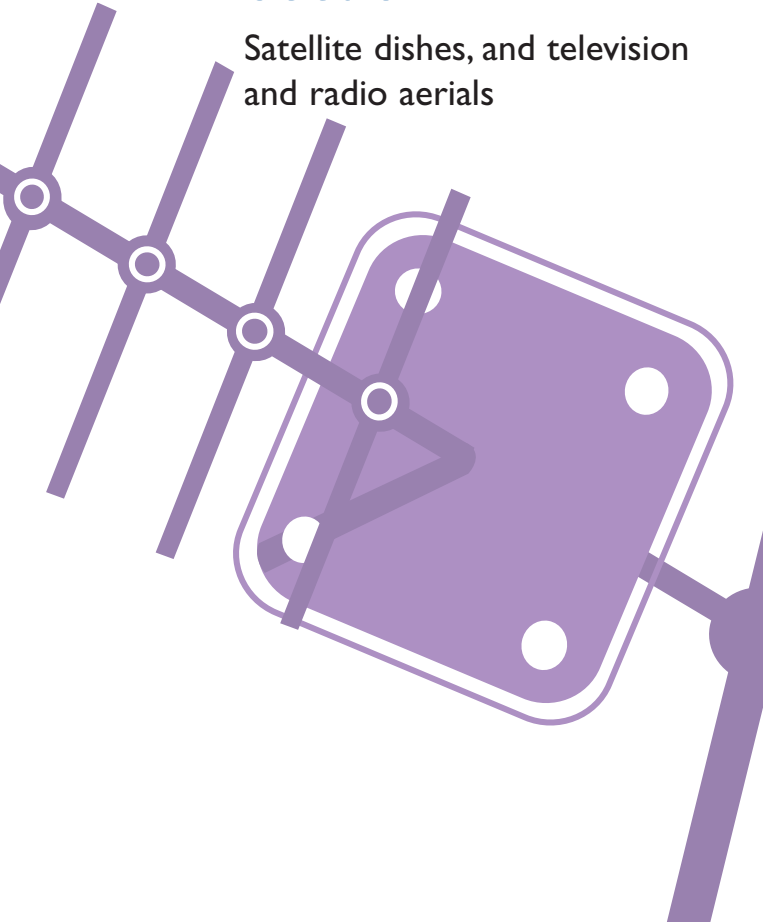
Section F

Satellite dishes, and television and radio aerials

Normal domestic TV and radio aerials do not need planning permission.

In certain circumstances, you will need to apply for planning permission to install a satellite dish on your house. There is advice about this on the website www.planningportal.gov.uk

If your house is a listed building, you may need listed building consent to install a satellite dish on your house (see Chapter 6).



Section G

Decoration, repair and maintenance



You may not need to apply for planning permission:

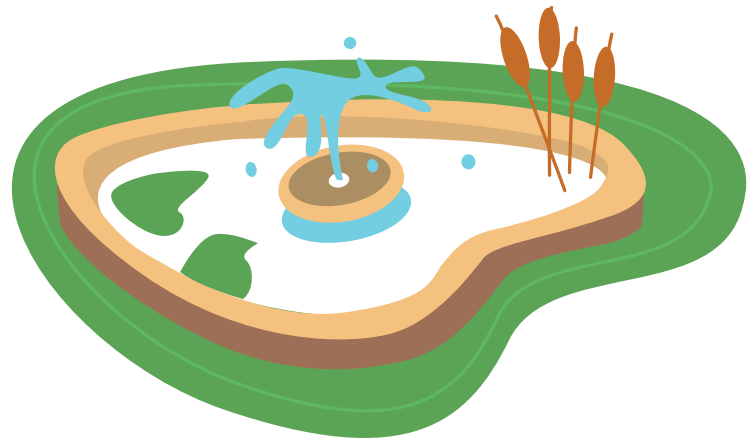
- for repairs or maintenance;
- for minor improvements, such as painting your house or replacing windows;
- for internal alterations;
- for the insertion of windows, skylights or roof lights (but, if you want to create a new bay window, it will be treated as an extension of the house – see Section A);
- for the installation of solar panels which do not project significantly beyond the existing roof slope; and
- to re-roof your house (but additions to the roof are treated as extensions, see Section A).

Occasionally, you might have to apply for planning permission for some of these works because your council has made an Article 4 Direction withdrawing your permitted development rights (see Chapter 4).

If you live in a **listed building**, you will need listed building consent for any significant works whether internal or external (see Chapter 6). You also may need planning permission to alter, repair or maintain a gate, fence, wall or other means of enclosure.

Cladding

If you live in a **Conservation Area**, a **National Park**, an **Area of Outstanding Natural Beauty** or the **Broads**, you will need to apply for planning permission before cladding the outside of your house with stone, tiles, artificial stone, plastic or timber.



Section H

Demolition of buildings

If you decide to demolish a building, even one which has suffered fire or storm damage, it does not automatically follow that you will get planning permission to build a replacement.

Listed buildings and buildings in conservation areas

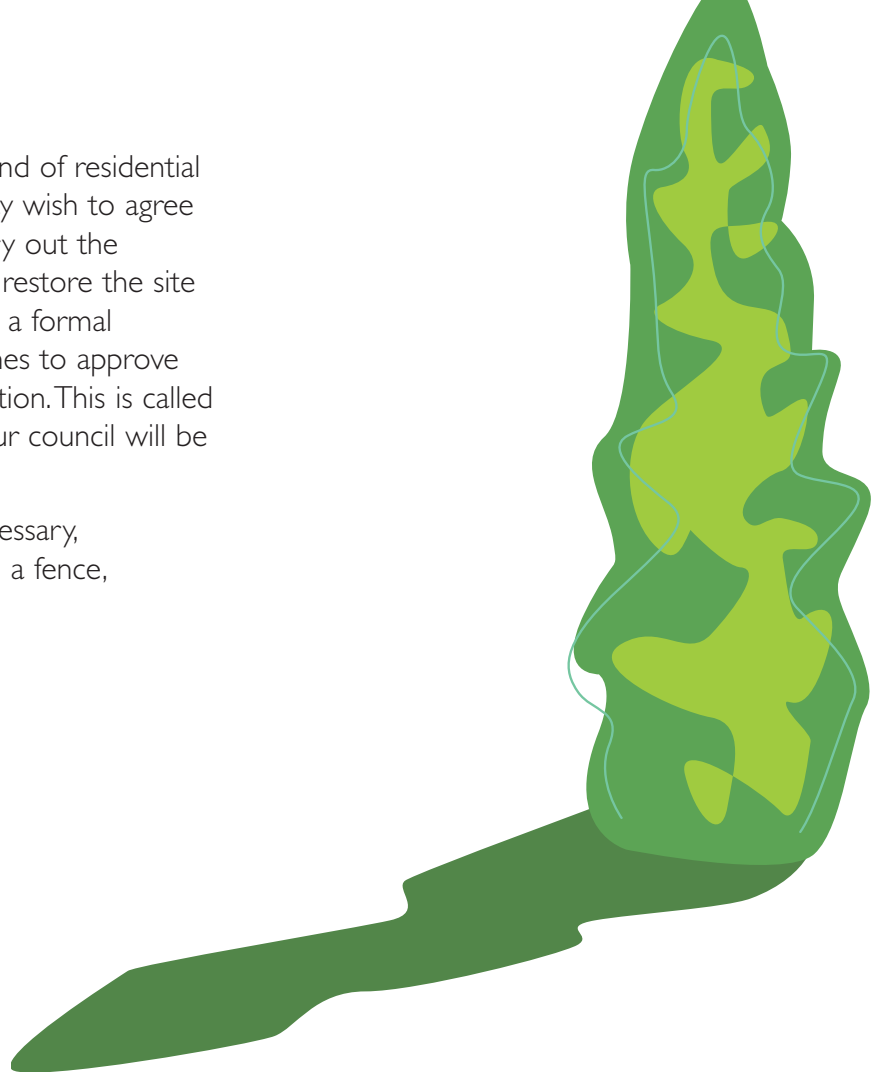
You do not need to make a planning application to demolish a listed building or to demolish a building in a conservation area. However, you are likely to need listed building consent or conservation area consent (See Chapter 6).

Elsewhere

You will not need to apply for planning permission to knock down your house or any of its outbuildings, unless the council has made an article 4 direction restricting the demolition or alterations you could normally carry out under permitted development rules (see page 9).

However, where demolition of any kind of residential property is proposed, the council may wish to agree the details of how you intend to carry out the demolition and how you propose to restore the site afterwards. You will need to apply for a formal decision on whether the council wishes to approve these details before you start demolition. This is called a “prior approval application” and your council will be able to explain what it involves.

See Chapter 4 Section D (and, if necessary, Chapter 6) if you want to take down a fence, wall or gate.



Section I

Flats and maisonettes

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Alterations, outbuildings, walls, fences and patios etc

You will need to apply for planning permission to build an extension, an outbuilding such as a garage, shed or greenhouse, as well as for any other work which would materially alter the appearance of the building. You will also need to apply for planning permission to create a hard surface such as a patio.

You will not need to apply for planning permission to paint your flat or maisonette but, if you are a leaseholder, you may first need to get permission from your landlord or management company.

Satellite dishes

In certain circumstances, you will need to apply for planning permission to install a satellite dish on your flat or maisonette. This is explained in the Department's free booklet **A Householder's Planning Guide for the Installation of Antennas, including Satellite Dishes**, which can be obtained from your council. Remember, if you are a leaseholder, you may need to obtain permission from the landlord.

5. How to apply for planning permission

Your first steps

If you think you might need to apply for planning permission:

- Contact the planning department of your council. Tell the planning staff what you want to do and ask for their advice.
- If they think you need to apply for planning permission, ask them for an application form. They will tell you how to make your application, whether in paper or electronic form, and how much the application fee will be. Ask if they foresee any difficulties which could be overcome by amending your proposal. It can save time or trouble later if the proposals you want to carry out also reflect what the council would like to see.
- Decide what type of application you need to make. In most cases this will be a full application. But there are a few circumstances when you may want

to make an outline application – for example, if you want to see what the council thinks of the building work you intend to carry out before you go to the trouble of making detailed drawings (but you will still need to submit details at a later stage).

Occasionally, for planning reasons, the council may insist on a full application even if you would prefer to make an outline application.

- Send the completed application forms to your council, together with the correct fee. Each form must be accompanied by a plan of the site and a copy of the drawings showing the work you propose to carry out. (The council will advise you what plans and drawings are needed, but there is a useful checklist in “By Design” – see the last page of this Guide.)



What the council will do

Planning staff at the council should acknowledge your application within a few days. They will place it on the Planning Register so that it can be inspected by any interested member of the public. They will also either notify your neighbours or put up a notice on or near the site. In certain cases, applications are also advertised in a local newspaper. The council may also consult other organisations, such as the highway authority or the parish council. The planning department may prepare a report for the planning committee, which is made up of elected councillors. Or the council may give a senior officer in the planning department the responsibility for deciding your application on its behalf.

You are generally entitled to see and have a copy of any report submitted to a local government committee. You are also entitled to see certain background papers used in the preparation of reports. The background papers will generally include the comments – perhaps in summary form – of consultees, objectors and supporters which are relevant to the determination of your application.

Such material should normally be made available at least five working days before the committee meeting.

Planning considerations

The councillors or council officers who decide your application must consider whether there are any good planning reasons for refusing planning permission or for granting permission subject to conditions. The council cannot reject a proposal simply because many people oppose it. It will look at whether your proposal is consistent with the development plan for the area. The kinds of planning issue it can also consider include potential traffic problems, the effect on amenity, and the impact the proposal may have on the appearance of the surrounding area. By contrast, moral issues, or the effect the development might have on nearby property prices, would be matters not relevant to planning. Only very rarely would planners be able to take account of an applicant's personal circumstances.

You are entitled to inspect the development plan: enquire at the planning department. There may also be associated design guidance for the area where you live.

How long will the council take?

The council should decide your application within eight weeks. If it cannot do so, it will usually seek your written consent to extend the period. If it has not done so, you can appeal to the First Secretary of State. But appeals can take several months to decide and it may be quicker to reach agreement with the council.

What can I do if planning permission is refused or conditions are imposed on the permission or if the council does not issue a decision?

The council must give reasons for its decisions.

If you are unhappy or unclear about the reasons for refusal or the conditions imposed, talk to staff at the planning department.

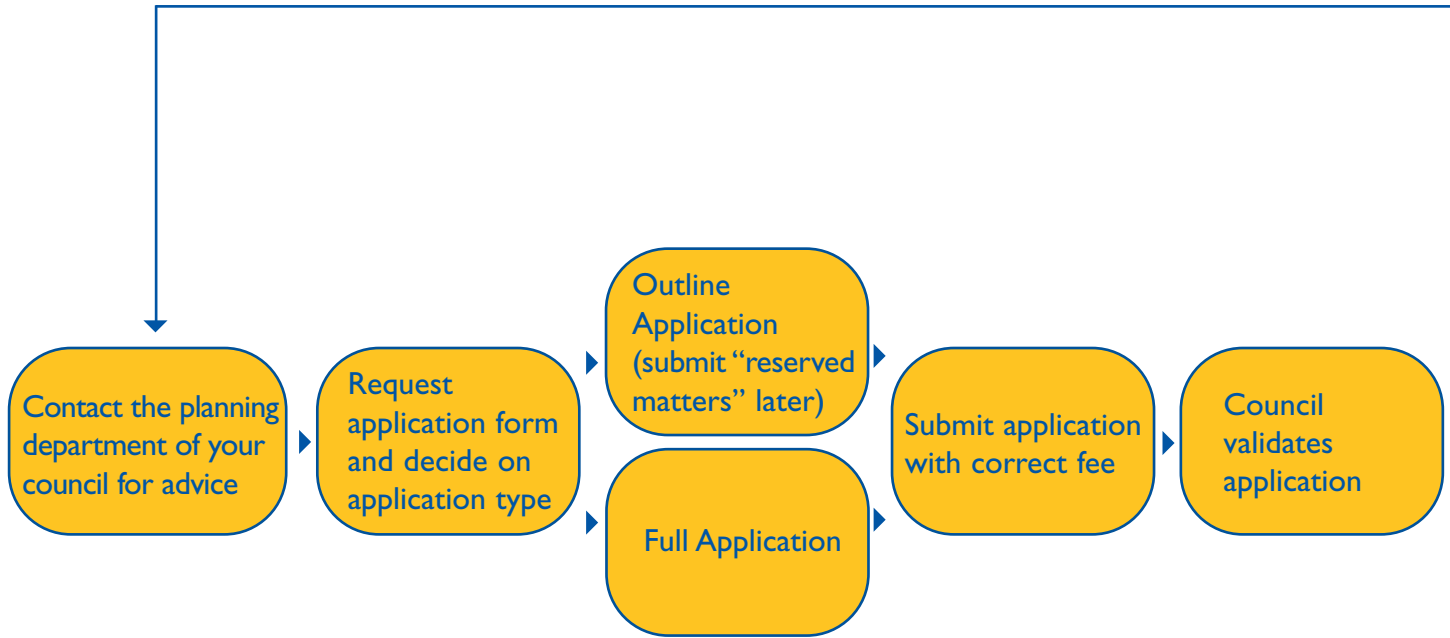
Ask them if changing your plans might make a difference. If your application has been refused, you may be able to submit another application with modified plans free of charge within 12 months of the decision on your first application.

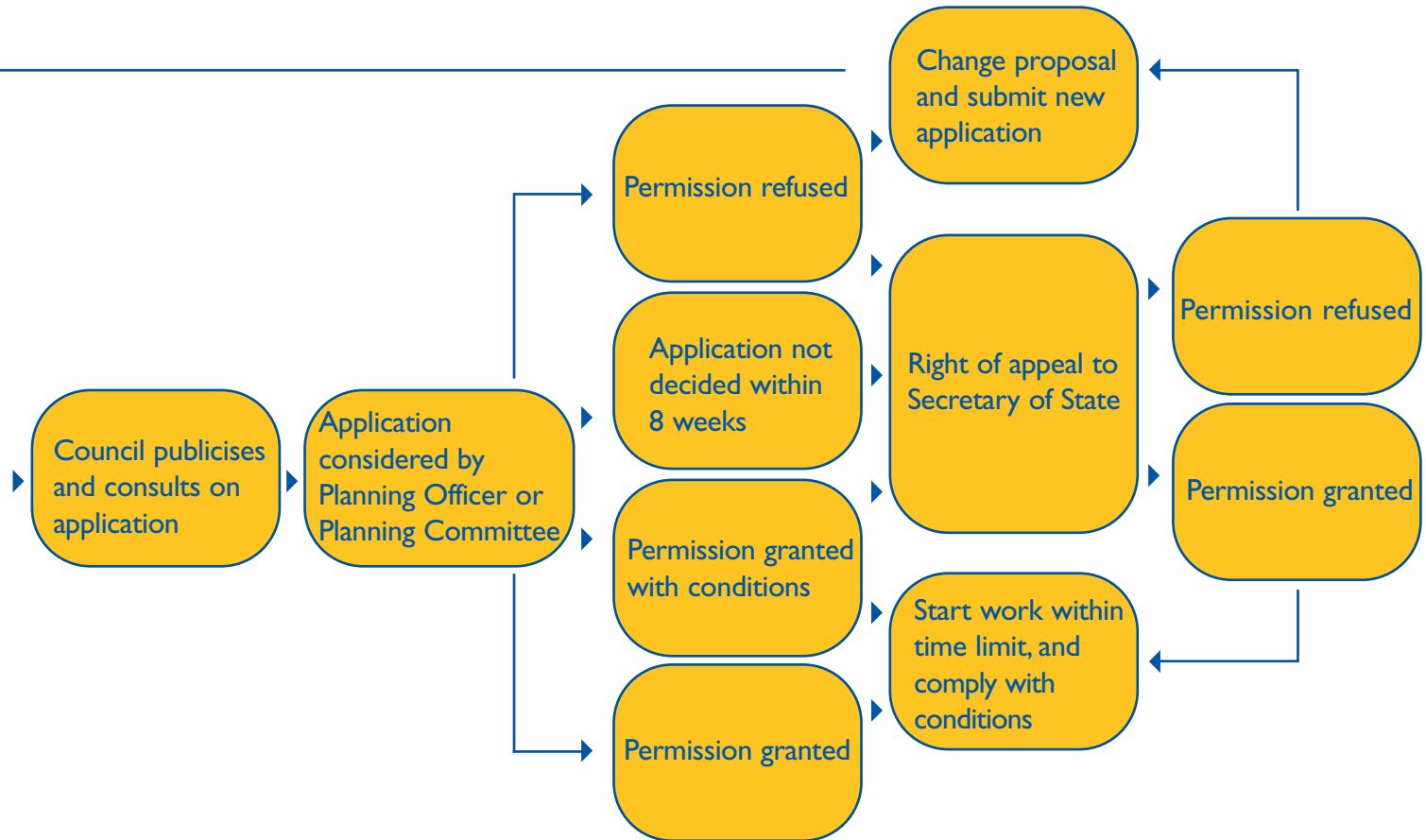
Alternatively, you may wish to consider appealing to the Secretary of State.

Appeals

If you think the council's decision is unreasonable, you can appeal to the Secretary of State. Appeals must be made within six months of the date of the council's notice of decision. You can also appeal if the council does not issue a decision within eight weeks. Two free booklets '**Making your planning appeal**' and '**Guide to taking part in planning appeals**' are available from the Planning Inspectorate, Customer Services, Room 3/01 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

Appeals are intended as a last resort and they can take several months to decide. It is often quicker to discuss with the council whether changes to your proposal would make it more acceptable.





6. Other kinds of approval

Whether or not you need to apply for planning permission for your work, there are some other kinds of approval you may need. Most are given by the council which will be able to let you have further information.

Listed building consent

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You will need to apply for listed building consent if either of the following cases apply.

- You want to demolish a listed building.
- You want to alter (internally or externally) or extend a listed building in a manner which would affect its character as a building of special architectural or historic interest.

You may also need listed building consent for any works to buildings within the grounds of a listed building. Sometimes, planning permission and listed building consent will both be required. Check the position carefully with the council – it is a criminal offence to carry out work which needs listed building consent without obtaining it beforehand.

Conservation area consent

If you live in a conservation area, you will need conservation area consent to do the following.

- Demolish a building with a volume of more than 115 cubic metres. There are a few exceptions – you can get further information from your council.
- To demolish a gate, fence, wall or railing over 1 metre high where next to a highway or public open space; or over 2 metres high elsewhere.

Trees

Many trees are protected by **tree preservation orders** which means that, in general, you need the council's consent to prune or fell them. In addition, there are controls over many other trees in conservation areas. Ask the council for a copy of the Department's free leaflet **Protected Trees: a guide to tree preservation procedures**.

Building regulations

New building work will often need to comply with the **Building Regulations**. These prescribe minimum standards for health and safety. The Regulations also apply to certain changes of use of existing buildings. You also need approval from the council if the work you want to do involves building over a sewer or a drain. The Building Control Department of your council will be able to tell you whether you need Building Regulations approval and how to apply.

A free explanatory booklet, **Building Regulations**, a leaflet on the Party Wall Act and other guidance should be available from your council.

Rights of way

If your proposed development would obstruct a public path, you should discuss the proposals with the council at an early stage. The granting of planning permission will not give you the right to interfere with, obstruct or move the path. A path cannot legally be diverted or closed unless the council has made an order to divert or close it to allow the development to go ahead.

The order must be advertised and anyone may object. You must not obstruct the path until any objections have been considered and the order has been confirmed. You should bear in mind that confirmation is not automatic; for example, an alternative line for the path may be proposed. Planning permission for a new gate or drive would not itself grant you any right of way on land outside your own.

Advertising

You will need to apply to your local council for **advertisement consent** to display an advertisement bigger than 0.3 square metres on the front of, or outside, your property. A sign no larger than 0.3 metres, if it is for identification, direction or warning, such as your house name or number or 'Beware of the dog', would not require this consent. Temporary notices of up to 0.6 square metres relating to local events, such as fêtes and concerts, may be displayed for a short period without having to apply to the council. There are different rules for estate agents' boards, but, in general, these should not be bigger than 0.5 square metres. You can get advice from the planning department of your council; ask it for a copy of the Department's free booklet, **Outdoor advertisements and signs: A Guide for Advertisers**.

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Wildlife

You may need to consider the effects on wildlife of any works you wish to carry out. Animals, plants and habitats may be protected under their own legislation (for example, badgers), under the Wildlife and Countryside Act (for example, bats, which sometimes roost in houses), or under European legislation (EU protected species, such as the Great Crested Newt). English Nature can provide advice on what species are protected by legislation, and what course of action should be taken. The council should also be able to advise. Even when your development proposal benefits from permitted development rights, the legal protections for wildlife still apply.





Other useful free publications obtainable from Communities and Local Government Free Literature.

Building Regulations – Explanatory booklet

Creating Better Places to Live – A Guide to the
Planning System in England

34 Planning Permission – A Guide for Business

Outdoor Advertisements and Signs –
A Guide for Advertisers

Over the Garden Hedge

The Party Wall Etc Act 1996: explanatory booklet

The Planning System: General Principles

Protected Trees –
A Guide to Tree Preservation Procedures

The right hedge for you

If you would like copies of these booklets (or further
copies of this one), please contact **Free Literature,**
PO Box No 236, Wetherby LS23 7NB

Tel: 0870 1226 236

Fax: 0870 1226 237

Text phone: 0870 1207405

E-mail: communities@twoten.com

These more detailed publications may be helpful to some readers:

“By Design” (DETR/CABE) provides practical guidance on how communities can achieve better design within the planning and development control system. This publication can be purchased from Thomas Telford Publishing, telephone 020 7665 2464.

Planning Policy Guidance Note 15 “Planning and the Historic Environment” (DoE/DNH).

“Lighting in the Countryside: Towards good practice” (DoE/Countryside Commission) contains advice on external lighting – including security lights – which is relevant in towns too.

“Better Places to Live” (DTLR/CABE) gives guidance on the design and layout of residential environments. It can be purchased from Thomas Telford Publishing, telephone 020 7665 2464.

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All these publications are accessible through the planning pages of the website, www.communities.gov.uk.

Why not check out www.planningportal.gov.uk for more useful advice on planning topics.

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