

Planning

An introduction to applying for planning permission for a sustainable building project.

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Introduction

The objective of planning legislation is to create a fair and efficient land-use system that takes into account regional differences and promotes high quality and sustainable development. Local development plans aim: to conserve environmental quality; to achieve sustainable development; to promote public participation and to help protect the rights of the individual. They are not there to be obstructive or prescriptive. To give yourself the best chance of obtaining planning consent for your project you will need to do a certain amount of research before beginning the application process. It is beyond the scope of this tipsheet to go into all the details, but the basic steps and where to go for further information are outlined here.

Obtaining planning permission can be fraught with complications, but the process follows a number of basic rules. First find your local planning authority – in most cases it will be your local district, borough or city council planning office and they will be listed in the telephone directory. However, sometimes you will find that the council has ceded planning control to another body: if you live within the boundaries of a National Park, then often the National Park will control planning. Check with the council first and they'll put you on to the right track.

Remember that planning law covers land use as well as buildings. If your plot or house has land attached and you wish to change the way in which the land is used (e.g. from field to garden, or garden to retail nursery) then you may need to apply for planning permission.

You need to be aware that your council will have produced development plans for the area which designate the type of development allowed (whether residential, commercial, agricultural or industrial). The Local Plan will form part of the county Structure Plan, which may also include provision for mineral extraction, waste disposal and roads.

All UK regions are supposed to be producing a Sustainability Plan and this could be extremely useful to you. Ask your planning officer for details of progress on the plan for your area. If the plan is not yet completed it could present an opportunity for you to influence it or lobby for particular elements (see further information).

The basics

Step one: phone the council and ask for the number and contact details of the local planning officer for your area.

Step two: check out the the Local Plan and any design statements therein about the use of local materials on vernacular buildings,

requirements for new build etc.

Step three: ask the planning office whether there are permitted development rights applicable to your area, whether you are in a Conservation Area and what restrictions that might place on any building plans.

Step four: talk to your neighbours about your plans and make sure that they are aware of what you want to do (talking things through can prevent objections coming to light later in the process – which can lead to extra expense or the failure of an application altogether).

Step five: put together your preliminary sketches and make an appointment to discuss your plans with the planning officer (talking the project through with him/her before putting in a full application could save you time and money if problems or hitches are identified and put right).

Step six: submit your outline or full planning application. NB Remember that you must not start any work until the application is approved.

The application will be considered after a period of notice (which allows for interested parties to place any comments/objections to your plans) and, with a recommendation (for either approval or refusal) from the planning officer, will proceed to the council planning committee for final approval/permission. If the application fails, you are able to appeal. For details of the appeal procedure consult *How to Get Planning Permission* (see further reading).

Things you need to be aware of when planning renovation, alteration or new build projects

- **Legal objections:** consult your solicitor to ensure that there are no covenants or other forms of restrictions listed on the deeds to your property (which, for example, may restrict further building on the property for a number of years, or list ongoing rights of access).

- **Local restrictions:** if you live in an Area of Outstanding Natural Beauty, a National Park, a Site of Special Scientific Interest or a Conservation Area your ability to make alterations to your property/land use may be limited. (Some buildings do not require planning permission, such as conservatories, porches and garages. As long as the building meets certain criteria: concerning its position and size in proportion to the existing house it is covered under 'permitted development' rights. However local restrictions may take away such rights.)

- **Listed buildings:** if your property is a listed building Grade I, Grade II* or Grade II you will need to apply for listed buildings consent in addition to planning permission. The listing authority will vary dependent on where you live (see further information).

- **Public utilities:** alterations to drains, sewers, to public access (such as footpaths) will require consultation with the council.

- **Protected species:** your property may be the home of a range of protected species such as bats or owls. These animals are protected by the Wildlife and Countryside Act 1981, and the Nature Conservancy Council must approve any works that may disturb them.

- **Tree Preservation Orders:** these may control the extent to which you can fell or even prune a tree. Trees in conservation areas are usually protected and you will need to supply at least six weeks' notice before working on them

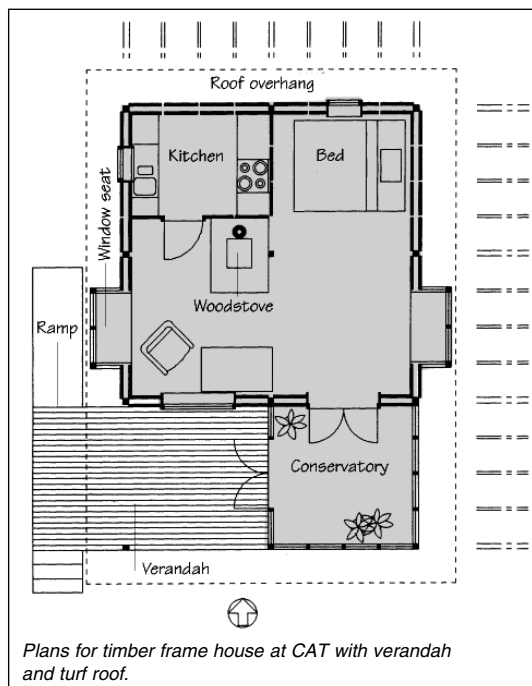
- **NB Remember the distinction between planning permission, which concerns the size and appearance of the building, and building control, which regulates how it is constructed: materials used, drainage, fire protection etc.**

Planning to be 'off the grid'?

If your building project is off the mains, you should be aware of a number of potential hurdles... The Local Plan should detail any restrictions on the development of small scale renewable energy projects. You are likely to find restrictions on the size of buildings allowed to accommodate, for example, turbine houses or battery installations, in relation to your main building (whether residential or non-residential). There may be restrictions on the height and/or number of wind turbines. If you need to extract water (even if you are intending to replace it) from a stream or river you will need to apply to the Environment Agency for an abstraction licence. The positioning of solar water heating panels may be restricted to a site which does not face a road, or public view – a problem if your front roof faces south. If setting up your own sewage treatment/water supply then you will need to apply to the Environment Agency for permission to discharge. If there are already a lot of people discharging into the particular water course it could be a problem. Check it out before committing time and money to a sewage system design – for example, a leachfield might be a better solution for you than a reedbed system if the above is true.

Alternative building methods

Your ability to choose the method by which you build or extend a house or outbuildings will be determined by where your building plot is. In a Conservation Area, National Park or Area of Outstanding Natural Beauty you may be restricted to building in the local vernacular. However, in some areas this may be an advantage if you want to build sustainably: in Devon there are a lot of traditional cob buildings still *in situ* (a form of vernacular earth building), as well as some beautiful new ones. Again, if your council has a Sustainability Plan this may be of help to you in gaining permission for a sustainable, environmentally friendly building method/design. Most forms of vernacular building are environmentally friendly in terms of building materials (favouring lime mortar rather than cement, for example), but it can be more difficult to obtain permission to install energy conservation measures such as passive solar heating, ventilation or insulation if your building is in a conservation area or listed. It can often help to find examples of similar buildings in your area (or in the UK, if your project is particularly unusual) and talk to the owners about how they gained permission for their project and any problems they had to



overcome. Even in an urban or suburban area, the Local Plan design statement may require that any new build or extension is in keeping with existing architecture locally. Always get as much information as you can in advance of applying for permission to build.

Complex projects

If having read this far, you are already convinced that your project is likely to be a complex, problematic or expensive one, there are independent planning agents you can approach to manage a planning application on your behalf. The Royal Town Planning Institute will have a list of members in your area (see Further Information) or check the listings under 'planning' on an internet search engine. Your architect (the AECB has a list of sustainable

architects) might also be prepared to undertake the planning application for you. If he/she is local, this might also be advantageous in that they may have previous experience of the relevant planning officer/committee and their likely response to an environmentally aware project.

Further reading

- *How to get Planning Permission*, Speer & Dade, Stonepound Books, £12.50
- *How to find a Building Plot*, Speer & Dade, Stonepound Books, £12.50
- *How to Stop and Influence Planning Permission*, Speer & Dade, Stonepound Books £12.50
- *The Real Green Building Book 2001*, AECB, £2.50 (Directory of the nation's greenest building professionals.)
- *Do You Require Planning Permission? An illustrated guide*, John Crean, £19.95/£25.33 (Irish title ISBN 1 85800 148 X)
- *PPG7 (revised), The Countryside – Environmental Quality and Economic and Social Development*, HMSO, £10.00 ISBN 0117533 70 X
- *Low Impact Development: Planning for people in a sustainable countryside*, Simon Fairlie, Jon Carpenter Publishing, £10.00
- *Permaculture, A New Approach for Rural Planning?*, Rob Hopkins, TLIO, £9.50
- *Directory of Planning Consultants 2000*, RTPi, Croner, £25.00
- *Planning Directory, 8th edition*, Croner, £40.00
- *The Self Build Book*, Broome & Richardson, Green Books, £15.00

Further Information

www.planning.detr.gov.uk/guide/
www.planning-approval.co.uk
www.buildadvice.com
www.oneworld.org/tlio
www.homeworking.com/library/planper.htm
www.planning-online.co.uk
www.whittakers.co.uk
www.tlio.demon.co.uk (This Land Is Ours)
www.rtpi.org.uk (Royal Town Planning Institute, 41 Botolph Lane, London EC3R 8DL)
DTLR Enquiry Service (8:30am - 5:30 pm) tel: 020 7944 3000