



Office of the
Deputy Prime Minister

Creating sustainable communities

Planning Permission

A Guide for Business



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Details of publications mentioned in the text, and of how to obtain them or view them on the internet, are provided at the back of this booklet. Other sources of information are also listed there. If you have questions about a planning matter, your local planning authority may be able to offer advice. The Office of the Deputy Prime Minister, which publishes this booklet, is unable to comment on individual cases or provide legal advice, because of the requirement to remain impartial. However, there is more information on the website www.planningportal.gov.uk. You may need to employ your own professional adviser or consultant, or ask for help from Planning Aid (see Annex 3).

Part 1

Introduction

This booklet is a guide to the planning system for businesses in England. It provides guidance on when planning permission is required, how to make a planning application, and what happens afterwards. However, it is not an authoritative interpretation of the law. If, after reading this booklet, you are still unclear how to proceed, you should ask the planning department of your council for advice.

WHY PLANNING PERMISSION?

The planning system is used to make sure that things get built in the right place. It helps to balance the development the country needs – for example, new homes, factories, offices, and schools – with our need to protect and improve the environment. This balance is essential to ensure that development and growth are environmentally sustainable; that is, meeting the needs of the present without affecting the ability of future generations to meet their own needs. It does not control how a building is constructed – that is the function of the Building Regulations. There are separate systems governing the display of outdoor advertisements and developments affecting 'listed' buildings.

DEVELOPMENT PLANS

Each council must prepare and adopt development plan documents for its area, which will include policies relating to commercial and industrial development. The plan documents provide the basis for rational and consistent planning decisions by saying what types of development will be permitted. Plan policies seek to ensure all the necessary infrastructure will be in place for development, and that environmental and conservation goals are met. The public and businesses should try to become involved at an early stage when plans are being prepared, so that they have a say in how

their area is developed. Draft plans are examined by independent inspectors at inquiries to which, again, local people and businesses can contribute.

PLANNING APPLICATIONS

You apply for planning permission from your council. Planning applications are decided in line with the development plan unless there are very good reasons to do otherwise. Points that will be looked at include:

- ◆ the number, size, layout, siting and external appearance of buildings;
- ◆ the proposed means of access, landscaping and impact on the neighbourhood;
- ◆ sustainability, and whether the necessary infrastructure, such as roads and water supply, will be available; and
- ◆ the proposed use of the development.



Part 2

Do you need to apply for planning permission?

You do not always need planning permission. Permission is generally not necessary for alterations affecting only the inside of buildings (though the law may change soon in respect of new mezzanine floorspace); nor need you apply to make small alterations to the outside such as the installation of telephone connections and alarm boxes. Other small changes – for example, creating an access or putting up walls and fences below a certain height – have a general planning permission for which an application is not required.

How can you obtain advice on whether permission is needed?

You can check informally with the council whether your proposed development needs planning permission. However, for a more extended pre-application discussion, the council may charge a fee. Also, for a fee, you can apply for a formal ruling known as a lawful development certificate. This may be helpful if the need for permission is not clear-cut, or if you wish to establish that an existing land-use is lawful. If your council refuses a certificate, you can either apply for planning permission, or appeal to the First Secretary of State. A free booklet, 'Lawful Development Certificates – A User's Guide', is available.

WORKING FROM HOME

You do not necessarily need planning permission to work from home. The key test is whether the overall character of the dwelling will change as a result of the business. If the answer to any of the following questions is 'yes', then permission will probably be needed:

- ◆ Will your home no longer be used mainly as a private residence?
- ◆ Will your business result in a marked rise in traffic or people calling?
- ◆ Will your business involve any activities unusual in a residential area?

- ◆ Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?

Whatever business you carry out from your home, whether it involves using part of it as a bed-sit or for 'bed and breakfast' accommodation, using a room as your personal office, providing a childminding service, using rooms for hairdressing, dressmaking or music teaching, or using buildings in the garden for repairing cars or storing goods connected with a business – the key test is: is it still mainly a home or has it become business premises?



CHANGING THE USE OF PREMISES

In many cases involving similar types of use, a change of use of a building or land does not require planning permission. For example, a greengrocer's can be changed to a shoe shop without permission. Planning permission is not required when both the present and proposed uses fall within the same 'class' as defined in the Town and Country Planning (Use Classes) Order 1987 (as amended). It is also possible to change use between some classes without applying for planning permission. Details are given in Annex 1.

Before you negotiate a lease or buy a property, it is advisable to consider whether you need to obtain planning permission for your intended use and, if so, your chances of getting it.

Flats over shops

You may be able to convert space over a shop (and certain other premises with a display window), or over a ground floor office, into a single flat without putting in a planning application, provided the following is true:

- ◆ the space is in the same use class, to start with, as the shop or office (either Class A1 or A2);
- ◆ the space is not in a separate planning unit from the shop;
- ◆ you will not change the outside appearance of the building; and
- ◆ if there is a display window at ground floor level, you will not incorporate any of the ground floor into the flat.

EXTENDING EXISTING PREMISES

You will always need to apply for planning permission to extend shop or office premises. However, minor extensions to factories and warehouses, including the erection of additional buildings within the curtilage, may not require a planning application. That is because the development is already granted permission by the Town and Country Planning (General Permitted Development) Order. The guidance below indicates when, in general, an application for permission will or will not be required.

Factory or warehouse extensions

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.

The extension must be related to the current use of the building or the provision of staff facilities.

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.

Volume is calculated from external measurements. 'Original' means as first built, or as the building stood on 1 July 1948, if built before then. The allowance is once and for all; any previous enlargement of the building counts against these freedoms.

BUILDING NEW PREMISES

The construction of new premises nearly always needs an application for planning permission. The development plan in force in your area (see Introduction) 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, though you may be charged for this. If there are difficulties, officers may be able to suggest ways to make your proposal more acceptable. However, they cannot guarantee that planning permission will be granted.

Crime prevention

It is often possible to design a new building in a way that will help reduce crime. This should feature in your discussions with the council at the beginning of the design process. Crime Prevention or Architectural Liaison Officers may be able to assist you – contact the Crime Prevention Department of your local police service headquarters. There is advice on crime prevention in 'Safer places – the Planning System and Crime Prevention', and on security lighting in 'Lighting in the Countryside', which is also applicable in towns. Both publications are on the ODPM website.

Do you need to apply for planning permission?

Do you want to work from home?

Will it still be mainly a home? *(see page 5)*

YES

Planning permission
not needed



NO

Apply for planning
permission

**Do you want to change the use
of a building?**

Is this change within the same use class or permitted by the GPDO?
(see Annex 1)

YES

Planning application
not needed



NO

Apply for planning
permission

**Do you want to alter or
extend the building?**

Will the extension be permitted by the GPDO? *(see page 7)*

YES

Planning application
not needed



NO

Apply for planning
permission

Part 3

Applying for planning permission

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

Anyone can make an application, irrespective of who owns the land or buildings concerned. However, if you are not the owner, or if you have only part-ownership, you have to inform the owner or those who share ownership, including any leaseholder whose lease still has seven or more years to run, and any agricultural tenant.

If you are not able to engage your own planning consultant to provide expertise on the more difficult aspects of your scheme, why not see if a volunteer adviser from Planning Aid can help. (See Annex 3)

TYPES OF APPLICATION

Outline

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. However, the council can require additional information, or insist that a particular application be made as a full application. If outline permission is granted, you will need to get approval of the details (known as 'reserved matters') before work can start. These comprise siting, design, external appearance, means of access and landscaping. What you propose must be consistent with the outline permission. If your proposal changes, you may be asked to start again with a fresh application.

Full

A full planning application requires the submission of all details of the proposal. It would be appropriate if you wish to change the use of land or buildings, or if you want to start work quickly.

BEFORE YOU APPLY

Before making an application, it is advisable to consult any neighbours who might be affected by your proposal, and the parish or town council. You should also consider meeting planning staff at the local council to which you are applying. There is more about this below. In more complicated cases, the council may say that it is likely to require various appraisals, assessments or statements from you, as supporting evidence to accompany your application. You might have to commission, for example, a Transport assessment, a Flood Risk assessment, a conservation area appraisal or a tree survey. This is so that the impact of your proposal can be understood as early and as fully as possible.

There is a useful guide to these additional information requirements in 'Best Practice Guidance on the Validation of Planning Applications' (see Annex 2).

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. You can be charged for this, but it may save you money and wasted effort.

If you are meeting a planning officer you should be fully prepared to describe your proposals and show plans. It would be sensible to:

- ◆ ask what further information and evidence you will have to provide, and in what form;
- ◆ find out which development plan documents, design guides and national planning guidance you should look at;
- ◆ ensure you know about any relevant constraints such as the proximity of a listed building or a conservation area;

- ◆ enquire about the council's role and policy in encouraging business development;
- ◆ ask about the effect on the rateable value if your scheme goes ahead;
- ◆ see if there are changes planned that could affect your business, such as new traffic or parking arrangements;
- ◆ ask for an informal assessment of whether you stand a reasonable chance of getting permission;
- ◆ decide if you need additional expert help from a planning consultant, architect, engineer, legal adviser or Planning Aid;
- ◆ discuss site matters such as access, roads and rights of way, power cables, watercourses, sewers and telephone lines;
- ◆ check what the fee will be, and how long the application may take to decide;
- ◆ find out about the appeal mechanisms; and
- ◆ ask about potential problems your scheme might create, such as noise or traffic, and whether the council could impose conditions to overcome these problems rather than refuse planning permission.

Say why you think your proposed development should be allowed to go ahead. The level of preparation required depends on what you propose to do. In simple cases it should be sufficient to look at the main issues governing the grant of permission (see Part 1) and decide which of these are relevant to your application. In other cases you may have to back up your arguments with evidence from experts.

Because planning applications will normally be decided in accordance with the development plan you will need to justify any proposals which would be an exception to the plan. If the planning officer tells you that national policies could be an important consideration, you may wish to refer to documents such as the Planning Policy Statements and Planning Policy Guidance Notes issued by the Office of the Deputy Prime Minister.

