

# **town planning**

The Basics



**SELF BUILDERS**



# INTRODUCTION

**This booklet is aimed at those who are proposing to embark on a self-build journey. The booklet covers some of the basics relating to the planning process.**

A series of Town Planning “The Basics” booklets have been produced to assist non-planners with the dark art of Town Planning, these can be downloaded via [www.planninghouse.co.uk](http://www.planninghouse.co.uk)

## Who are Planning House?

**Planning House is an independent town planning consultancy which offers a professional & knowledgeable service to meet client needs, we embrace a pragmatic approach by providing realistic and tailored town planning advice.**

Headed by Chris Pipe who is a Gamekeeper turned Poacher. As former Head of Planning for a Local Authority she knows how to navigate the planning system efficiently and effectively. In private practice Chris has a successful track record of securing permissions for self-build projects. This puts Planning House in a unique position to offer advice and support for anyone who is embarking on a self build project.







# PLANNING A SELF BUILD

**With the Government encouraging housing growth there's no better time to plan your own 'Grand Design' project (large or small).**

Most of us have watched Grand Designs and thought 'I could do that' but in reality, the UK is well behind Europe in terms of actually building or commissioning our own homes.

# PLANNING A SELF BUILD

**The onslaught of planning bureaucracy often associated with the show can make people wary about building their dream home – not to mention the rare occurrence when a Grand Design actually stays in budget!**

However the planning system is more receptive to self-build housing projects with emphasis firmly from the Government on housing growth and choice.

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The Government specifically promotes self-builds through the National Planning Policy Framework (NPPF) which places a duty on Local Planning Authorities to plan for a mix of housing, including people wishing to build their own home and through the Self-build and Custom Housebuilding Act 2015 placing a requirement on each relevant authority to keep a register of people who are seeking to buy serviced plots of land in the authority's area in order to build houses.

Assuming you have the finance and drive to build your own home, the first hurdle you face is finding suitable land. There are a few common ways to source a site:

**Internet search** – there are a few land search websites available, you may need to subscribe;

**Local authority register** – contact the local authority to register interest in building your own home, they should hold a record of available land;

**Land or Estate agents** – some sites may not be openly marketed therefore it is advisable to contact agents to make them aware you're looking for a site;

**Local knowledge** – you may know of land which may be acquired. If you are unsure who owns a piece of land, do a search via the Land Registry

Deciding if or when to bring professionals onboard is your choice. Some people navigate through the planning process successfully, however often the cost of a planning consultant can save you time, potentially money and in some instances can secure you a permission which you may not have been able to achieve. Even a small planning project can be complex.





# PLANNING MYTHS

There are some common myths about town planning which you should be aware of before you embark on a project, in this article Planning House dispel a few of them.



- ***'Apply for something bigger than you want to build then you can compromise with the planners to the actual size you want'***

What a load of rubbish! Apply for what you want and save time and resources with unnecessary negotiations, if a planner has a scheme they can support – they will – planners don't tend disagree out of obstinance.

- ***'My plans are similar to down the street, so it's guaranteed to be approved'***

Every planning decision is based on specific circumstances. Policies evolve and significantly influence a planning decision. The creation of a conservation area or where a development boundary line is drawn on a local plan can all fundamentally change the way a proposal is viewed. Planning history and constraints of a site also play a huge part in the process. Whilst precedent can be a contributing factor the planning mantra is 'every application will be determined on its own merits'.

- ***'Pre-Application advice has been positive so my application will be approved'***

Planning decisions are based on adopted policies, however, don't underestimate local objections and

politics. If nearby residents object against your application and contact the parish or local councillors you could also end up with objections from them. Some Councillors sit on the planning committee and can override the planning officer's recommendations. Speak with neighbours and local representatives in a bid to avoid objections and potential appeal.

- ***'Planner Officers will guide me to an approval'***

A planning officer's role is to process your application. Some planners are worth their weight in gold and talk to applicants about issues and guide in overcoming them. However, planners have set timeframes to decide an application, they are often under resourced and as a consequence can take the easier route of refusing an application rather than discussing any issues. Contacting your planner to ascertain their view on your application can avoid unnecessary refusal.

- ***'I'll get my decision in a couple of months'***

Let's assume your planning application is valid when its submitted, i.e. all relevant information is submitted. Only once its valid does the decision making clock start to tick. Don't fall into the trap of thinking that if an application is valid no further information could be

requested, something could crop up which means you may need to provide further information, potentially meaning further time is needed. Planning applications have timescales for determination and Council's try to adhere to these, however extensions of time can be requested by the planners – you don't have to agree to them, but unless you appeal against non-determination the Council can take longer to decide your application, especially if the application goes to the Planning Committee for determination.



- ***'Once I have permission I can start to build'***

Sometimes this is the case – but generally there are conditions attached to a planning approval which must be discharged, for instance agreeing a brick or tile for your development or providing information relating to boundaries etc. Check your conditions, as discharging conditions can take a number of weeks which you need to plan into your build schedule.

**Also, don't forget about Building Regulations Consent which is a completely separate process to planning.**

- ***'I can change my plans as I go'.***

We've all seen TV programmes that encourage alterations however be aware that technically, if a proposal is not built in accordance with the approved plans or conditions it doesn't have planning permission! Changes can be risky and could have fundamental consequences such as enforcement action, demolition, finances being withdrawn by your mortgage company, or an unsellable asset.

**Always check that changes don't invalidate your planning permission.**



# PRE-APPLICATION ENGAGEMENT

Entering into pre-application discussions with your local planning authority can improve efficiency and effectiveness of the planning application process and will give you greater certainty and clarity by identifying planning issues and requirements before an application is submitted.

There are many benefits to seeking pre-application advice as well as potentially saving you money in abortive professional fees including:

- Speeding up decision-making
- Confirming the information required with an application;
- Identifying problems and issues at an early stage, potentially reducing the risk of wasted applications or refusal, and reducing queries during the application process; and
- Confirmation of the Local Authority's view of the development in this location

Be aware that any advice given is not binding and can be subject to change and that some local planning authorities charge a fee for this service, generally this information can be found on their website.





# TYPE OF APPLICATION

There are 2 main types of application – applications for full planning permission and applications for outline planning permission. There are other processes relevant to self builders such as the prior approval route which are not covered in this booklet.

**Full** - An application for full planning permission results in a decision on the detailed proposals of how a site can be developed. You will need full details of your proposal to apply for full planning permission.

**Outline** - An application for outline planning permission allows for a decision on the general principles of how a site can be developed. Outline planning permission is granted subject to conditions requiring the subsequent approval of one or more or even all 'reserved matters'.

Reserved matters are those aspects of a proposed development which an applicant can choose not to submit details of with an outline planning application, (ie they can be 'reserved' for later however there will be a time limit to submit them) such as:

**'Access'** – covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site;

**'Appearance'** – aspects of a building or place which affects the way it looks, including the exterior of the development;

**'Landscaping'** – the improvement or protection of the amenities of the site and the area of the surrounding area, this could include planting trees or hedges as a screen;

**'Layout'** – includes buildings, routes and open spaces within the development and the way they are laid out in relations to buildings and spaces outside the development;

**'Scale'** – the height, width and length of each building proposed within the development in relation to its surroundings.





# HOW TO APPLY FOR PLANNING PERMISSION

Applicants are encouraged to apply online via the Planning Portal ([www.planningportal.co.uk](http://www.planningportal.co.uk)). The completed form along with plans and any accompanying documents is sent online via the Planning Portal directly to the local planning authority or building control body for processing. Your fee can also be paid online so it linked directly to your application.

Every local authority in England and Wales accepts online planning applications from the Planning Portal.

Alternatively, you can download or request the relevant planning application from the relevant local planning authority to complete and submit in paper format, however be aware you will need to submit 3 copies of the form, plans and any supporting document.

# PLANNING FEES

The following fees for a self build are based upon the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (as amended). The fee should be paid at the time the application is submitted, if in doubt check with your Local Planning Authority.

## Outline Applications

<b>£464 per 0.1 hectare for sites up to and including 2.5 hectares</b>	Not more than 2.5 hectares	<b>£464 per 0.1 hectare (or part thereof)</b>
<b>£11,432 + £138 for each 0.1 in excess of 2.5 hectares to a maximum of £150,000</b>	More than 2.5 hectares	<b>£11,432 + £138 for each 0.1 (or part thereof)</b>

## Full Applications

<b>New dwellinghouse</b>	Not more than 50	<b>£462 per dwelling</b>
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## Reserved Matters

Application for approval of reserved matters following outline approval	<b>£462</b>
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## Approval / Variation / Discharge of Condition

Application for removal or variation of a condition following grant of planning permission	<b>£234</b>
Request for confirmation that one or more planning conditions have been complied with	<b>£116 per request</b>

## Change of Use

Not more than 50 dwelling houses	<b>£462 for each</b>
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# THE IMPORTANCE OF VALIDATION

Before an application is considered by a Planning Officer it must go through the Council's internal validation process. Once submitted a planning application must be deemed as valid, which means that all the information specified by the Council in order to determine the application is provided in full at the start of the process, and to an acceptable quality.

If the correct fee or relevant information is missing the Council will not be able to start determining the application and the planning process will be delayed. Poor quality information may also cause delay.

Some planning applications require more detailed information than others, and some information required can be complex and technical. Below highlights information which may be required:

## National Requirements - mandatory for all applications

- Application Form
- Location Plan
- Ownership Certificates & Agricultural Declaration
- The Appropriate Fee

## Additional information depending on development specifics

- Additional Plans and Drawings
- Agricultural Land Classification Statement
- Air Quality Assessment
- Biodiversity and Geology Survey and Report
- Building for Life Assessment
- Coal Mining Risk Assessment
- Construction Management Plan
- Design and Access Statement
- Environmental Statement
- Heritage Statement
- Hydrogeological Risk Assessment
- Land Contamination Assessment
- Lighting Assessment
- Meeting Housing Needs Statement
- Minerals and Waste Safeguarding Assessment
- Noise Assessment
- Open Space, Sport, Play and Leisure Assessment
- Planning Statement
- Sequential Test & Impact Assessment for Town Centre Uses
- Structural Survey
- Surface Water Management Assessment & Flood Risk Assessment
- Telecommunications Assessment
- Transport Assessment
- Transport Statement
- Travel Plan
- Tree Assessment
- Ventilation/Extraction Statement
- Viability Assessment
- Visual Impact Assessment (Townscape/Landscape)

# APPLICATION PROCESS

## SUBMIT APPLICATION



- Submit planning application
- Application is validated, this is generally carried out within 5-7 days of submission but can take longer

## CONSULTATION



- Notification and consultation with community and statutory consultees
- Statutory consultation for not less than 21 days
- Specific publicity requirements depend on the application

## DETERMINATION



- Determination of application
- Planning Application determined in accordance with the development plan unless material considerations indicate otherwise
- Local Planning Authority (LPA) has 8 weeks to make a decision on minor applications and 13 weeks for major applications

## DECISION



- Planning officers usually decide smaller developments under delegated decision-taking powers
- Larger and more controversial developments are decided by planning committee

## APPEAL (if necessary)



- Applicant has a right to appeal to the Secretary of State, via the Planning Inspectorate, if the LPA refuses to give planning permission, grants it subject to unacceptable conditions or fails to deal with an application within the statutory time limit
- Planning appeals can also be 'recovered by the Secretary of State

## IMPLEMENT



- Discharge planning conditions attached to an approved application/appeal
- This process can take up to 8 weeks and there is a fee payable to the LPA
- Adhere to conditions and implement planning permission



# THE HIDDEN COSTS OF PLANNING

Long gone are the days when securing planning permission involved no more than completing a form, providing plans, and paying an application fee. Applicants need to budget for potential additional charges such as pre-application charges, developer contributions, legal fees as well as the costs associated with the raft of supporting information some applications attract and discharging planning conditions.

## Pre-application advice

Fees are charged by some Councils in return for informal advice prior to the submission of an application. The costs vary and are set generally on a sliding scale by the individual Council. Benefits of the pre-application process is confirming what supporting information is expected with the application, speeding up the application process and if contributions may be required.

## Planning application fees

Application fees are set nationally on a sliding scale basis depending on your proposal and type of planning application.

## Planning Conditions

Discharging planning conditions do need to be included in budgeting, these costs are often forgotten by developers. Not only is there a fee to pay the Council to consider information relating to conditions but there are generally costs associated with providing the information such as further studies/ information which may be required or costs associated with additional works which must be carried out, such as offsite highway works.

## Developer contributions/obligations

Council contributions vary and are covered in policies in the Local Plan or supplementary planning documents. The aim of developer contributions is to balance any extra pressure created by new development with improvements to ensure that the new development makes a positive contribution to the local area and community. Contributions can amount to large payments so check what is required and what they will contribute towards. Be aware that these can be negotiable if your development would be unviable if you are required to pay them, so do your sums.



Routes to secure developer contributions/obligations is via a legal agreement (known as a 106 agreement or unilateral undertaking). Not only will you have to pay your solicitor, but you'll be expected to pay the council's solicitor as well. These agreements can take a few weeks or months to complete. Once the agreement is signed, your planning permission is issued, the payment or other obligation may be triggered upon signing the agreement, by the commencement of the works or some other point in the development.

### Reducing costs

Is there a way to minimise the payment? This depends as contributions must be necessary, directly, fairly and reasonably related to the proposed development. Methods of calculating contributions are based on the type of development, number of units or floorspace created. Don't be afraid to ask for the reasoning and policy basis for any potential contribution.

If you think the requested payments/obligations are too much or unreasonable, there is a right of appeal either when the application is refused or against non-determination. A Planning Inspector then decides if you should be allowed to build without making any payment. However, there are time and cost implications of going to appeal, not to mention the risk that the appeal is dismissed.

### Community Infrastructure Levy

Councils can secure payments via the Community Infrastructure Levy (CIL), this levy once adopted by a Council is non-negotiable and is published on a Council's website. CIL is based on local infrastructure needs of an area. Some developments may be eligible for relief or exemption from CIL, so check if your development could fall into the criteria.

**Don't be caught out by the costs of planning, be informed and prepared for them.**





# STEPS TO CHOOSING A TOWN PLANNER

**If you're planning a development, choosing the right professionals needs careful thought.**

An architect will design to your specification, however progressing this through the red tape of the planning process without a town planning consultant onboard can be risky, here are 8 steps to finding your perfect consultant.



# STEPS TO CHOOSING A **TOWN PLANNER**

## **1. ARE THEY A REGISTERED TOWN PLANNER?**

As with any profession which provides a service, you will want to make sure your town planning consultant is accredited and insured. A Charter Town Planning Consultant is a member of the Royal Town Planning Institute, fully trained and professionally qualified. All members of the RTPI are bound by a Code of Professional Conduct setting out required standards of practice and ethics. The Institute requires planning professionals to meet and maintain high standards of competence and conduct themselves in a way that inspires trust and confidence in the profession. A chartered town planner will usually have MRTPI after their name to identify that they are accredited.

## **2. DO THEY HAVE EXPERIENCE?**

There are many areas of planning so just because someone is a town planner doesn't mean they have been involved in handling planning applications. It's not essential that a consultant has experience in public sector planning, however, if they have experience dealing with planning applications by working in a Local Planning Authority they can have an edge in providing advice to developers on what the best approach maybe for a particular scheme.

## **3. WHAT IS THEIR SPECIALISM?**

Everyone has an area of expertise, a town planner who works predominantly in waste and minerals isn't necessarily going to bring the right set of skills to support a self builder through the planning process. Whilst town planning isn't rocket science each consultant can have knowledge and experience in different development areas.

## **4. WHAT DO OTHERS SAY ABOUT THEM?**

Most planning consultants have a website, do they have references or testimonials to support their work. Do they advertise elsewhere for instance Yell or Google are there reviews you could consider? Do your homework.

## **5. ARE YOU ON THE SAME PAGE?**

When you talk to your consultant are they interested in the proposal? Do they think what you are trying to achieve is reasonable? Talk about timescales but be aware once a planning application is submitted it is generally out of your planning consultant's hands.

## **6. ARE THEY PERSONALLY SUITABLE?**

Do you feel comfortable with them? At the end of the day they are acting on your behalf trying to secure your planning consent. Do they know what your aspirations are and what (if anything) you would compromise on? Be honest about what you're looking for and ask them for their honest opinion about your chances of success, but don't discount them if they don't think your proposal is 100% guaranteed - be more worried if they think it is!

## **7. DO THEY HAVE LOCAL KNOWLEDGE?**

I don't mean do they live in the area, rather do they have experience in the local area, have they been involved in other projects? If they have they may provide more realistic advice about your project, local planning policies and what the best approach may be to take your proposal forward.

## **8. HAVE YOU COMPARED QUOTES?**

Everyone loves a bargain; however, every town planner will have their own fee structure, it's really no different to EasyJet and Virgin airlines, both services will get you there but you need to weigh up what's important to you. Do you opt for a no frills service or go for a more personal bespoke service - neither are incorrect.





# NEXT STEPS

Assuming you have sourced your plot, the next steps are up to you, however it is advised you consider the following steps:

- Be realistic in what you want to achieve;
- Engage with your local planning authority regarding development potential (if applicable);
- Be aware of your validation requirements;
- Be aware of the planning policies relevant to your site;
- Be aware of the fee payable to the local planning authority for your application;
- Be aware any additional costs such as technical report costs, s106, CIL etc;
- Collate any supporting documents and have plans, form etc completed and ready to submit;
- Be aware of both the process and potential timescales associated with the planning application, and keep in contact with the planning officer dealing with your proposal;
- Be ready to discharged any planning conditions and legal obligations;
- Don't forget about any other necessary consent such as Building Regulations;

However, if you need help find a Town Planning Consultant to advise and support you through the process.

There are other Town Planning... *The Basics* booklets available to download at

**[www.planninghouse.co.uk](http://www.planninghouse.co.uk)**





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