

# What Is Planning Permission and When Do You Need It?

Before starting building work on your home in England, it is important to understand whether planning permission is needed. Some work may be automatically authorised as 'permitted development', but restrictions, designations and listed building status can all change what is allowed.

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## KEY FACTS

**Governing legislation for development**

TCPA 1990

**Permitted development rights set out in**

GPDO 2015

**Can permitted development rights be removed locally?**

Yes — via Article 4 direction

**First point of contact for any planning query**

Local planning authority

**Binding confirmation of lawfulness available via**

Lawful development certificate

In planning terms

**Development** — Planning permission is only needed if the work you plan to carry out meets the statutory definition of 'development'. Under section 55 of the Town and Country Planning Act 1990, development includes building operations such as structural alterations, construction, rebuilding and most demolition, as well as material changes of use of land and buildings and engineering operations. Section 57 of the same Act directs that all operations falling within this definition require planning permission, unless an exception applies.

Not every improvement you make to your home will amount to development. Section 55(2) of the Town and Country Planning Act 1990 sets out categories of work that do not, including interior alterations and building operations that do not materially affect the external appearance of a building. Where work

genuinely falls outside the statutory definition, you will not need to apply for planning permission on that basis alone.

## What is permitted development?

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In planning terms

**Permitted development** — Even where proposed work does meet the definition of development, you may not need to apply for planning permission. Certain types of work are automatically authorised by law through what is known as 'permitted development'. Householder permitted development rights are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 'GPDO 2015'), which grants planning permission for specified classes of development described in its Schedule 2 without the need for a formal application.

In a small number of cases, even where permitted development rights apply, you may still need to obtain 'prior approval' from your local planning authority before carrying out the work. It is wise not to assume that permitted development automatically means you can proceed without any contact with your council at all.

## When might permitted development not apply?

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Permitted development rights are not universal. A local planning authority or the Secretary of State can make an 'Article 4 direction', which removes or limits the automatic permission granted by the GPDO 2015 for specified types of work in a particular area or at a specific site. If an Article 4 direction applies to your property, you may need to apply for planning permission for work that would otherwise have been permitted development.

The GPDO 2015 also uses the term 'Article 2(3) land' to describe certain designated areas where additional restrictions apply to what householders can do under permitted development. This category includes land within a National Park, the Broads, an area of outstanding natural beauty, an area designated as a conservation area, and land within World Heritage Sites. If your property falls within any of these designations, some work that would be permitted development elsewhere may instead require a planning application.

### Flats and certain converted homes

Householder permitted development rights apply to houses, not to flats, maisonettes, or houses created through certain permitted development change-of-use rights. If your home falls into one of these categories, you should seek planning permission rather than rely on the householder permitted development rules.

## What if your home is a listed building or in a sensitive location?

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If your property is within the curtilage of a listed building, works that would otherwise be permitted development may require a planning application instead. Heritage assets — including listed buildings and conservation areas — are treated with particular care in the planning system, and the significance of such assets is given great weight when any development affecting them is considered. If you are in any doubt about whether your home is listed or sits within a sensitive designation, always check with your local planning authority before starting work.

Local constraints do not end with national designations. Your council may also have adopted local planning policies, or there may be planning conditions attached to earlier permissions for your property, that further restrict what you can do. Because local rules vary considerably from one area to another, guidance based on national rules alone cannot tell you with certainty what applies to your specific home.

## Checking before you start

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Your local planning authority (LPA) delivers the planning service for its area and should always be your first point of contact for any planning enquiry. Professional planning officers working for the LPA can offer advice on the interpretation of planning law and planning policy as it applies to your proposal. Some local planning authorities charge a fee for pre-application advice, so it is worth checking this in advance.

If you are uncertain whether your proposed work requires planning permission, you can apply to your local planning authority for a 'lawful development certificate'. This provides a legally binding decision confirming whether the development is lawful. Obtaining a lawful development certificate before you start gives you — and any future buyer of your home — proper certainty about the position.

## Do not rely on assumption

If development is carried out without the necessary planning permission, this may lead to enforcement action by the local planning authority. Starting work on the assumption that it is permitted development, without confirming this, is a risk that can cause significant problems later. If you are unsure, ask your local planning authority first.

It is also important to remember that permitted development rights do not remove requirements for permissions or consents under other regimes. Building regulations, for example, may still apply to your project regardless of whether planning permission is needed. Always check what other approvals may be required before work begins.

## Practical next steps

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### 1. Establish whether your work is 'development'

Consider whether your proposed work meets the statutory definition of development under the Town and Country Planning Act 1990. Work such as interior alterations that do not materially affect the external appearance of a building may fall outside the definition entirely.

## **2. Find out if your property is in a designated area**

Check whether your home is in a National Park, the Broads, an area of outstanding natural beauty, a conservation area or a World Heritage Site, as the GPDO 2015 places additional restrictions on permitted development in these locations.

## **3. Ask whether an Article 4 direction applies**

Contact your local planning authority to find out whether an Article 4 direction has removed or limited permitted development rights in your area or for your property.

## **4. Check listed building and curtilage status**

Find out whether your property is a listed building or sits within the curtilage of one, as this can mean that works otherwise permitted under the GPDO 2015 will require a planning application.

## **5. Contact your local planning authority early**

Your LPA is the first point of contact for all planning enquiries. Speaking to a planning officer before you commit to a design or begin work can save considerable time and cost, even if a fee applies for pre-application advice.

## **6. Apply for a lawful development certificate if in any doubt**

Where there is genuine uncertainty about whether your work requires planning permission, applying for a lawful development certificate gives you a legally binding answer from your local planning authority before you start.

## **7. Check whether other consents are needed**

Remember that permitted development rights do not override building regulations or other consent regimes that may apply to your project independently of the planning system.