

A Guide to Applying for Planning Permission

Business Information Factsheet
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Introduction

Planning permission is required in order to change the use of an existing commercial property and for developments to commercial property and land. Most physical alterations or expansions to premises will need planning permission from the planning authority in the area where the work is being carried out. This permission needs to be obtained before any new business activity commences, or any building or development work is started.

The planning system in the UK is designed to balance the need for economic development with the protection of the local environment. To obtain planning permission, applicants will need to apply to their local authority planning department, which will be a department in the local city, borough, district or county council where the property is located. Local authority planning departments are concerned with issues such as compliance with Building Regulations, listed building and conservation area consents, fire regulations, crime prevention and security.

This factsheet explains the factors that a local authority planning department will take into account when granting planning permission for commercial property or land, and outlines the types of developments and use they will consider. It explains when permission for building work is required, the different types of permission that can be granted, the correct process to follow before and after seeking planning permission, and what to do if a planning application is rejected.

When is it necessary to obtain planning permission?

Planning permission will need to be obtained by an individual or organisation if they wish to:

- Build new premises for a business.
- Alter or extend an existing business premises.
- Change the external appearance of a building.
- Change the use of a building or land.

Certain types of 'permitted development' do not require planning permission, including:

- **Internal alterations such as decorating.** However, internal alterations to a listed building may need listed building consent.
- **Repairs.**
- **Factory expansions.** Permission will depend on the size of the extension, but the alteration must be related to the current use of the building or the provision of staff facilities.

- **Demolition.** However, if the building is listed or situated in a conservation area, other controls may apply.
- **Display signs.** No planning permission is required if a sign displays the name of a business, the goods or services supplied by a business and it does not exceed the size limits specified by the local authority planning department. However, there are separate rules for listed buildings or conservation areas. Illuminated advertisements and banners will normally require planning permission. Go to www.gov.uk/government/uploads/system/uploads/attachment_data/file/11499/326679.pdf for more information.
- **Erecting a fence.** Unless the height is above one metre, at which stage it will be necessary to consult the local authority planning department.

Go to <http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights> for more information about permitted development rights.

Anyone who is unsure if planning permission is required for a change of use or to carry out development work on a property should contact their local authority planning department for advice.

There are specific planning rules for properties in the agricultural sector. It is possible to change the use of an agricultural building to a flexible use, an educational use or a residential use, without obtaining prior planning permission. Go to <http://planningguidance.communities.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/permitted-development-rights-for-the-change-of-use-of-agricultural-buildings> for further information.

Types of planning permission

Outline planning permission

Outline planning permission is only necessary for the construction of a new building. The outcome of an outline planning application will determine whether the development is acceptable in principle. Although detailed drawings are not normally required at the outline planning stage, it will help the application to provide the local authority planning department with as much information as possible. If permission is granted, approval of the specific details of the project (known as 'reserved matters') will need to be obtained before work can start. Reserved matters can relate to issues such as design, external appearance, siting, means of access and so on; examples include the design and external appearance of the proposed building, as well as access to it and landscaping around it.

Full planning permission

To obtain full planning permission, all the details of the proposed changes to the property must be submitted. A full application is compulsory if an individual or organisation intends to:

- Change the use of the property.
- Rebuild the property.
- Carry out development on the property.

- Legalise any previous works that were carried out without the necessary planning permission.

Renewal and relief of planning permission

Application for the renewal of temporary permission or relief from conditional permission is necessary if an individual or organisation intends to:

- Extend the time limit that has been set to commence the work.
- Continue a time-limited use.
- Retain planning permission without conditions.

Is planning permission required to run a business from home?

This will depend on the extent of any changes which need to be made to an individual's home in order to operate the business. The main consideration will be whether the home is still primarily a private domestic residence, or whether any changes will effectively result in a change of use. In order to avoid the need to obtain planning permission, the condition and the character of the house must remain as that of a private dwelling. The local authority planning department will also consider the following:

- Will the business be visited by customers and suppliers and result in an increase in traffic and parking issues in the locality?
- Will the business involve activities that are out of place in a residential area?
- Will the business disturb neighbours at unsociable hours?
- Will the business create any noises or smells that may affect neighbours?

Anyone who remains uncertain as to whether they will require planning permission to run a business from home should contact their relevant local authority planning department for further advice and information.

How do local authorities decide whether planning permission will be granted?

When considering a planning application, the local authority planning department takes into account:

- The character of the area. Does the proposed change fit in with the local authority's planning policy or development plan? For example, would a business be operating in a residential area?
- The physical characteristics of the building, such as size and external appearance.
- Any effects on road safety and traffic congestion.
- The need to reserve land for other purposes.
- Water supply and sewerage facilities.
- Archaeological implications.

- Environmental impact.
- Compliance with Building Regulations.
- Crime prevention and security factors.
- Fire regulations.
- Listed building or conservation area issues.

Premises use classes

Commercial premises are categorised under different 'use classes'. The descriptions provide only an indication of which types of business are covered in each class.

The premises use classes for England, Wales and Northern Ireland are:

A1 Shops

Shops, travel agents, hairdressers, funeral directors and dry cleaners (but not retail warehouse clubs such as Costco).

A2 Financial and professional services

Banks, building societies, and other financial and professional services provided mainly to visiting members of the public, such as estate agents and employment agencies.

A3 Restaurants and cafés

Use for the sale of food and drink for consumption on the premises, such as restaurants, snack bars and cafés.

A4 Drinking establishments

Use as a public house, wine bar or other drinking establishment (but not a nightclub).

A5 Hot food takeaways

Use for the sale of hot food for consumption off the premises.

B1 Business

Offices (other than those that fall into category A2), research and development, light industry appropriate in a residential area.

B2 General industrial

Use for industrial processes other than those falling within class B1 (excluding incineration purposes, chemical treatment or landfill or hazardous waste).

B8 Storage or distribution

This includes open-air storage.

C1 Hotels

Hotels, boarding and guest houses where no significant element of care is provided.

C2 Residential institutions

Residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres.

C2A Secure residential institution

Prisons, young offenders institutes, short-term holding centres, a secure hospital or military barracks.

C3 Dwelling houses

This class is formed by three parts, but includes private homes and residences, supported housing schemes and home owners who live with lodgers.

D1 Non-residential institutions

Examples include schools, day nurseries, medical clinics, art galleries, museums, libraries and places of worship.

D2 Assembly and leisure

Cinemas, bingo and dance halls, gymnasiums, swimming baths and sports arenas.

Sui generis

Certain uses do not fall within any use class and are considered 'sui generis' (a Latin phrase meaning 'in a class by itself'). These include betting shops, theatres, hostels, petrol stations, nightclubs and casinos.

The use classes for Scotland are similar to those listed above. A full list is available at [www.ukplanning.com/ukpskin/advice/downloads/Use-Classes-Order\(Scotland\).pdf](http://www.ukplanning.com/ukpskin/advice/downloads/Use-Classes-Order(Scotland).pdf).

Planning permission is not normally required to change the use of premises to another within the same use class. Planning permission is also not currently required for change of use between certain categories. Go to www.planningportal.co.uk/info/200130/common_projects/9/change_of_use for more information about change of use.

Applying for planning permission

Planning permission should always be obtained before any building work or change of use commences. If planning permission is not obtained prior to commencement of building work, an enforcement notice may be served on the organisation or person responsible for the development by the local authority planning department. An enforcement notice may demand that the original structure be reinstated, or that part or all of the building be demolished. If buying land to develop property, checks should be carried out to determine whether planning permission has been, or is likely to be, granted for development. Anyone can apply for planning

permission, but if the premises or land is not owned entirely by that individual or organisation, the owner or other co-owners must be informed.

Business owners should also consider the potential effects on business rates before any planning application is made. Any development of premises or change of use may have an impact on an organisation's liability for business rates.

The planning permission application involves several stages. Initially, applicants should:

- Inform their local authority of their plans by contacting the planning department.
- Decide whether to make a full or an outline application. Depending on the particular local authority, outline applications may require a different application form.
- Consult any neighbours and people who may be affected by the planned development or change of use. In some cases, applicants may also need to contact other organisations that might have an interest in the proposed development, such as the Environment Agency, Highways Agency and the Health and Safety Executive (HSE).
- Make the application online, if their local authority has provided this option, or obtain an application form.
- Send the completed application form to the local authority planning department with the correct fee. A plan of the site and a copy of the drawings showing the proposed work to be carried out must accompany each form. The local authority planning department will be able to advise applicants what specific drawings are needed.

Applicants can appoint an agent such as an architect, solicitor, builder or surveyor to apply for planning permission on their behalf. This is often advisable if the proposed work is extensive or will have an impact on a sensitive area such as green belt land, where there is a flood risk, or where there may be adverse effects locally from noise, pollution or increased traffic.

How much does it cost to apply for planning permission?

The fees involved in applying for planning permission vary depending on where in the UK the development is proposed, what work is intended to be carried out and whether any conditions or exemptions apply.

- The Planning Portal has a fee calculator covering costs for England and Wales at <https://1app.planningportal.co.uk/FeeCalculator/Standalone?region=1>.
- The ePlanning portal has a fee calculator for fees in Scotland at www.eplanning.scot/ePlanningClient/CustomPages/feecalculator.aspx.
- Go to www.planningni.gov.uk/index/advice/fees_forms/fees.htm for information about fees in Northern Ireland.

What happens after the application is submitted?

Once an applicant has successfully applied for planning permission, the application will be acknowledged and issued with a unique reference number. The local authority planning department will then consult on the application and it will be considered by a planning officer or the authority's planning committee. The local authority will then either:

- Grant permission without conditions.
- Grant permission with certain conditions.
- Refuse permission.

A decision notice should be received within eight weeks unless there is a problem or it is a particularly complicated application. Delays may occur if a site visit or further information is required, or in instances where applications have not been fully completed.

If permission is granted, the proposed development work must commence within three years - after this time has elapsed, it will usually be necessary to reapply for full planning permission or to apply for a time extension for the existing planning permission.

When an application is rejected, the local authority must provide the applicant with the reasons for the rejection. It is possible for rejected applications to be re-submitted within 12 months of the date of the rejection. All re-submissions are accepted free of charge and must include all modifications to the plans. However, not all local authorities allow for re-submissions, and this is at the discretion of the local authority.

Building Regulations require that, after permission has been granted, applicants must contact their local authority's building control or building standards department to inform them of the intended start date for the work. No building work, change of use or development should be commenced until a planning application has been approved.

Appealing against planning permission rejection

If a planning application is rejected by a local authority, an appeal can be made against the decision. An appeal can be made if:

- An application for planning permission has been refused.
- Permission has been given, but with conditions which are thought to be inappropriate or unreasonable.
- A proposal arising from a condition or limitation on a planning permission was refused.
- The local authority planning department has not given a decision on an application within the time allowed.

An appeal must usually be submitted within six months of a planning permission application being rejected. However, the decision notice will notify the applicant of the time they have to appeal, as it will sometimes be 12 weeks from the date of decision.

In England and Wales, appeals are made through the Planning Inspectorate (www.gov.uk/appeal-planning-decision), which is an executive agency of the Ministry of Housing, Communities and Local Government (MHCLG) and the National Assembly for Wales. An overview of the procedure, as well as information about costs, can be found at www.gov.uk/appeal-planning-inspectorate. Appeals may be submitted online or by post.

In Northern Ireland, appeals are managed by the Planning Appeals Commission (www.pacni.gov.uk). An online appeal service is available at www.pacni.gov.uk/node/27.

In Scotland, most appeals are managed by the Scottish Government's Planning and Environmental Appeals Division (DPEA, www.dpea.scotland.gov.uk). Appeals may be made

online using the ePlanning Scotland system (www.eplanning.scot/ePlanningClient/default.aspx) or by downloading and submitting one of the appeal forms available from the Scottish Government website (<https://beta.gov.scot/publications/planning-appeals-forms-guidance-list/>).

Appeals should always be a last resort as they can take several months. It is often advised that rejected applicants should re-submit their applications with the relevant changes, if this is appropriate.

Hints and tips

- Before making an application, applicants should consult an independent planning expert or their local authority planning department. Proceeding with the change of use or development of property or land without planning permission can have serious and expensive consequences for an individual or an organisation.
- Applicants should find out the dates of their local authority's planning committee meetings and make sure that their application is submitted in good time prior to these meetings.
- Ensure that the application and any supplementary information are complete, clear and easy to understand. Check whether any additional information, such as photographs, is required.
- Once planning permission is obtained, applicants should make sure that any work carried out or change of use is as described in the approved plans, and that the local authority's building control or building standards department has been informed of the intended start date for the work.
- Ensure that full and accurate information is provided on the planning application. It is a serious offence to give false details or to withhold information in order to obtain planning permission. Penalties include a fine of up to £5,000 and two years' imprisonment.

Further information

BIF 5 A Guide to the Building Regulations 2010
BIF 17 A Checklist for Running a Business from Home
BIF 19 A Guide to Commercial Mortgages
BIF 57 Choosing Commercial Premises
BIF 152 Business Activities Regulated by Local Authorities

Useful contacts

The Planning Portal provides online advice and guidance about planning permission and building regulations in England and Wales.

Website: www.planningportal.co.uk

The Ministry of Housing, Communities and Local Government (MHCLG) is responsible for national policy on issues related to local government, including planning. It publishes information about planning policy and planning appeals procedures.

Tel: 030 3444 0000

Website: www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government

The Scottish Government is responsible for the planning system in Scotland. It publishes guidance for all aspects of the planning process.

Tel: 0300 244 4000 / (0131) 244 4000

Website: <https://beta.gov.scot/policies/planning-architecture/>

The Welsh Assembly Government is responsible for planning policy in Wales and publishes information about the planning process.

Tel: 0300 060 4400

Website: <http://gov.wales/topics/planning/?lang=en>

The Northern Ireland Planning Service is responsible for planning and managing development in Northern Ireland. It publishes advice and guidance about planning permission.

Tel: 0300 200 7830

Website: www.planningni.gov.uk

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