



attwaters jameson hill
solicitors

Guide to Planning Permission



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Introduction to Planning Permission

The UK's property and construction industry is guided by a range of complex regulations – which you may find yourself needing to contend with if you wish to make any substantial changes to your property.

Most planning projects or proposals must follow a strict and complex planning process before they can go ahead and, with political and industry debates concerning planning laws rarely subsiding, the UK's planning regime is continually changing and evolving.

At Attwaters Jameson Hill, we have been providing workable solutions to the obstacles presented by town and country planning laws for over 40 years.

Our team are always on top of the ever-changing technicalities in this area and, with decades of experience to draw on, we have the capacity to stand back, take the long view of your situation and rigorously explore all the options available to you in relation to your planning proposal.

Using our extensive knowledge, we have produced this useful guide to Planning Permission, covering some of the most common issues homeowners and developers are likely to face. However, although useful, this is only a rough guide and it is important to seek specialist advice tailored to suit your specific circumstances before preparing, submitting or pursuing a Planning Application.

Planning Permission and Planning Applications

Homeowners or developers who wish to make structural or other significant changes to a property in the UK will – in most cases – be expected to prepare and submit a relevant Planning Application to a Council or Local Planning Authority. However, this is not always the case and some projects can go ahead as they stand.

Where Planning Permission is necessary, Attwaters Jameson Hill can assist with the preparation and submission of the appropriate Planning Application – which can vary significantly depending on your circumstances and the nature of the proposal itself.

Even if permission is not needed, however, we can still provide useful advice which may go a long way to protect your best interests in the future.

Permitted Development

If you are unsure about any development proposals you may have, our skilled planning experts can help you to determine whether your intended proposal qualifies as a Permitted Development.

If your proposal does turn out to be a Permitted Development, or perhaps not a development at all, we can advise on the appropriateness of obtaining a Certificate of Lawful Development from your Local Planning Authority – a document which will protect both you and any subsequent owners of your property in the future once the proposal has been carried out.



Withdrawals of Permitted Development Rights

In some cases, a Local Planning Authority can remove your Permitted Development Rights by issuing what is known as an 'Article 4' direction.

Put simply, if you receive such a direction, you will need to submit a Planning Application for work which would not usually require an Application at all. Such directions are sometimes issued in instances when a Local Planning Authority has reason to believe that an area of acknowledged importance, such as a conservation area, might be at risk.

Preparing and Submitting a Planning Application

Preparation

Prior to submitting an appropriate Planning Application, it is important to ensure that you know exactly where you stand with your proposal. By talking to our experts at Attwaters Jameson Hill, we can help you to:

- Ensure you are submitting the correct kind of application
- Ensure your application takes into account all relevant local and national requirements
- Advise you on the ways in which various requirements and complex planning policies are likely to affect your application.

If you need Buildings Regulations Approval, our widely experienced team can help you to determine whether your applications falls under full plans, a building notice, or regularisation.

Submission

Planning Applications can usually be submitted online – but this does not necessarily mean that the process is simple and straightforward.

The Local Planning Authority you submit to will be unable to process your application unless the correct mandatory supporting documentation has been provided, which is why it is crucial to seek specialist advice.

In most cases, an Application should contain:

- The relevant plans or proposals for the site
- Any required supporting documentation relating to the proposals
- A correctly completed Planning Application form
- The correct fee required for the Application

Attwaters Jameson Hill can advise on all aspects of the submission process – and support you with any subsequent difficulties you may encounter.



Breach of Condition Notices, Stop Notices and Enforcement Notices

In some instances, a planning proposal may be countered with a Breach of Condition Notice – which either advises that a specific condition outlined in the Notice must be met or complied with for the proposal to go ahead, or threatens that a Magistrates Court prosecution may follow if certain conditions are not met.

This may be accompanied by an Enforcement Notice or a Stop Notice – both of which have considerable legal implications and need to be handled by experts such as Attwaters Jameson Hill.



Enforcement Notices

An Enforcement Notice will lay out certain matters which are alleged to constitute a breach of planning control. These will usually relate to an unauthorised development or a breach of certain conditions. The notice will also specify steps that can be undertaken in order to remedy this breach.

You may have grounds to appeal an Enforcement Notice, but such appeals must be submitted within weeks of the date on the Enforcement Notice. Unless you lodge an appeal, the Notice stands without expiry and you will have to comply with the requirements of the Notice or face further action from your Local Planning Authority. Our team is experienced in appealing such notices and can advise you accordingly.



Stop Notices

A Stop Notice effectively prohibits the carrying out of any activities in relation to planning control on land which is subject to a Planning Enforcement Notice.

This is effectively a power used by Local Planning Authorities in a bid to quash a breach of planning control.

Planning Permission Refusals

If you have received a Planning Permission Refusal, Attwaters Jameson Hill can offer objective advice on the prospects of success of an appeal against that refusal.

Our expert team can also offer assistance with promoting any such appeals to the Planning Inspectorate – The Government department which deals with planning appeals, national infrastructure planning applications, examinations of local plans and other related casework in England and Wales.

We also have a considerable track record when making representations on our clients' behalf to the Local Planning Authority about developments proposed in their area.

Our Expert



Salvatore Amico

Associate – Head of Town & Country Planning

Salvatore is able to provide advice on all aspects of the Town and Country Planning Act and he is regularly asked to give legal opinions on the interpretation of legislation within planning.

He is often instructed by developers and has experience in dealing with Section 106 and 278 agreements and Deeds of Variation for major national housebuilders.

According to the Legal 500, Salvatore Amico offers “consistently helpful and clear responses”.



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