



planning permission



A motivation for the development of town and country planning was the unsanitary conditions in urban slums.

what is it?

You can't just build anywhere in the UK - you need permission from the local planning authority (LPA) for operational development (building, mining or engineering works on or under the ground) and for material changes of use of land or buildings ('material' is a judgment call for the LPA, based on past experience and help from the courts). There are exceptions, where consent is granted through development orders ('permitted development') such as changing from an office to a dwelling, or for an extension. Permission is not required to use land for agricultural purposes.

Planning is a complicated subject, and there's a lot of information out there - too much for this introduction. If you're thinking of putting in a planning application, you'll have to do some background reading. Search for 'Planning Portal: about the planning system' and 'the planning system in plain English'.

History

The rights to 'develop' land (and buildings) were nationalised by the Town & Country Planning Act 1947. The idea was that the public would benefit from the enhanced value of land (land increases in value with planning permission). The idea for planning controls evolved through concerns over unsanitary living conditions in urban areas, and protection of the countryside. Most housing in the countryside was built before 1947, and examples of sporadic and ribbon development (along roads) were responsible for the objectives of urban containment and countryside protection that the 1947 Act was meant to address.

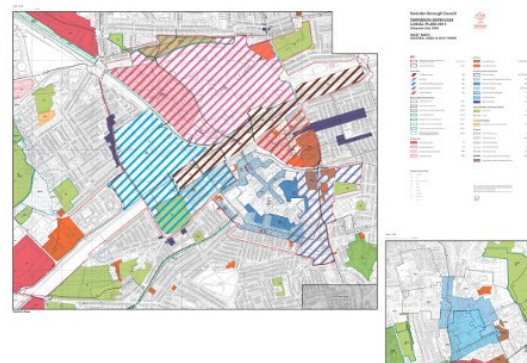
The shortage of rural homes has meant that they attract a premium in terms of price. Those built to meet specific agricultural needs that no longer exist have mostly been sold off to those seeking alternatives or additions to their urban and suburban properties.

what are the benefits?

The planning system exists to stop the countryside becoming overdeveloped; to prevent urban areas from merging and to protect listed buildings and biodiversity. It's been mostly successful (with the exception of biodiversity), but it's also stifled attempts to build low-impact homes on smallholdings, to provide commodities for local markets. It has also blocked low-impact homes on the edge of settlements (but outside the expensive development zone), for providing crafts and services to farmers and smallholders, but without the need for land. Both these kinds of 'low-impact development' promote local resilience, food and resource security, access to land, affordable homes and environmental protection. It's up to all of us to convince the planners of this. Planning is very open to public engagement. Problems arise because people don't get involved - which allows the planning system to be used by commercial developers to their advantage.

However...

The government states that one aim of the planning system is to facilitate economic growth, which is at the root of our environmental problems and so far from 'in the public interest'. The low-impact developments mentioned above may not contribute to overall economic growth, or be able to compete with developers for land, and so it can be very difficult for them to gain permission. Also - because agricultural land is relatively cheap compared to development land, some people who have no interest in farming buy it to find a way to build a cheap home on it - by concealment or by hoodwinking planners. Similarly, farmers can get permission for affordable homes for agricultural workers, which end up being sold at distinctly unaffordable prices to people not involved in agriculture. These abuses might be rare, but in its vigilance, the planning system obstructs people genuinely wanting to start a farm business.



Part of the local plan for central Swindon; the map shows colour codes for different designations of land use.



what can I do?

The principles outlined are the same for a rural or urban application in the UK, although there are differences in each country - notably the Welsh One Planet Development policy (see lammas.org.uk/planning).

Self-build register: self-builders, register at localselfbuildregister.co.uk. This could hugely increase the potential for self-build in the UK.

Pre-application: read a lot - the Planning Portal is a good start. Your 'consultant' will be your local planning officer. If they're negative, then maybe try a consultant, but they're expensive. Talk to your local councillor and parish council. Look at your local plan, which indicates local and national designations. For national policy, search for the National Planning Policy Framework, which must be taken into account in all decisions. You can also make a pre-planning enquiry to try to gain information and advice from the LPA. Planners often say no to pre-application enquiries, so maybe it's best to make an application.

Inform neighbours - you might gain respect for this, and avoid misunderstandings. Inform the parish council before the planners do.

Application: you need to meet relevant criteria in the local plan. Objectors have to show it doesn't, and if you ask for letters of support, make sure they show that it does. Download an application form from the Planning Portal or your LPA. You don't have to own the land, although if not, have an arrangement with the owner and make a purchase / lease offer subject to permission. Your case officer will deal with all interested parties, and will make the recommendation; build a relationship with them. Planners look at all relevant policies, plus responses from neighbours / parish council. If there are a lot of objections, it might go to committee. Once the application is live, it has to be determined in 8 weeks, or you can appeal (although it's probably best to wait, because it might be positive, and if not, you get another try at appeal). You may apply for, or through a condition, obtain temporary permission, which can be used to create a trial period to test the impact (and the viability) of the development. The terms of this test should be established at the outset. In the open countryside the NPPF says that there should be an essential need for a dwelling. In urban areas there are other

tests (eg neighbourliness, highway safety). Developments carried out without permission, or in breach of conditions can become lawful after an 'immunity period'. In the case of material changes of use or breach of conditions, enforcement is possible within 10 years of the breach. Deliberate concealment can invalidate this. A 4-year rule applies to new buildings and change of use.

Appeal: if your application is rejected, you can go to appeal - to be considered afresh by a planning inspector on behalf of central government. It can be dealt with through the exchange of written representations or via a hearing or public enquiry.

Influencing the planning system: to be able build our own homes - including on smallholdings - we need to engage with the planners. They don't have evidence that people want to build their own homes, or live on smallholdings. If we believe that agro-ecology and self-built eco-homes on smallholdings is in the public interest, then let's prove it, and the system has to find ways to allow them. Commercial developers engage with the planners, and it shows. Now it's our turn.

resources

- see lowimpact.org/planning for more info, courses, links & books, including:
- Simon Fairlie, *Low-impact Development*
- Chapter 7, *DIY Planning Briefings*
- Cullingworth & Nadin, *Town & Country Planning in the UK*
- tcpa.org.uk - Town & Country Planning Assoc.
- rtpi.org.uk/planning-aid/ - free planning advice
- planningportal.co.uk - door to planning system
- oneplanetcouncil.org.uk - support for One Planet Developments in Wales



Talk to your neighbours or potential neighbours about your plans – they're going to find out soon enough anyway.

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