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How Does Planning Work?

A Plan-Based System.

In England we have what is known as a 'plan-based' planning system. What this means is that every so often local planning authorities (LPAs – *lots more acronyms to come!*) are meant to consider what they think should happen and where it should happen within their administrative area, and put forward a plan (The Local Plan) that describes this.

The process of arriving at a Local Plan is tortuous and long-winded. Watch out for a future resource paper that deals with this further.

The Local Plan.

What is important is that if you want to build or develop something that does not comply with the Local Plan, you are starting with a major handicap. A typical example is where someone wishes to build a house on land that is designated Green Belt on the Local Plan. A Green Belt designation means an automatic presumption against development.

This is where the Local Plan links to the other major piece of legislation governing planning in England: the National Planning Policy Framework. This is often shortened to 'The Framework' or NPPF – *I said there would be more acronyms.*

The National Planning Policy Framework.

The Framework aims to set the overarching structure and theory for control of planning and development across the country. Therefore, for example, the Framework sets out what can and cannot happen in Green Belt land and the LPA decides where Green Belt shall apply in their area.

However, coming up with anything that can be applied everywhere is rarely totally successful. One size hardly ever fits all and the whole

system is riddled with exceptions and special circumstances that make it very difficult for an ordinary member of the public to understand. I can say that having dealt with the system on a daily basis for 40 years and can still find myself baffled on occasion.

This can result in part from the fact that not all planning officers, planning inspectors and planning committee members necessarily agree on how to interpret the legislation.

Planning Permission

To return to the main thread of this paper, if you believe you have grounds for receiving approval for what you wish to build or develop, you can apply for Planning Permission. Your application may be decided by a planning officer under what is known as delegated powers OR it may go before a planning committee made up of local councillors. Which of these two alternatives apply will depend on the nature and scale of your proposal.

Permitted Development Rights

In some cases it is possible to avoid the need for planning approval by taking advantage of Permitted Development (PD) rights. This too requires a separate paper to explain but it is an important measure. I will turn attention to it as soon as I can.

Let us imagine you receive planning approval for your application. Does this mean the battle is over and you simply get on with building? Probably not. Your approval may come with conditions.

Planning Conditions

These conditions may require you to clarify details or provide further information. In some case before you begin work. Such conditions are known as Pre-Start Conditions and must be 'discharged,' as the process is known, before you begin work. Failure to do so can render your planning approval void. Read the small print. Then read it again.

Sustainable Development

The rationale behind the NPPF is to promote what it calls 'sustainable development' and other broad principles aimed at maintaining a green and pleasant land whilst enabling enterprise and economic development

to flourish. These well-meaning headline aims are hard to argue with but the detailed decisions and requirements that flow from these aims can be equally hard to follow on many occasions.

This can be no more than a rudimentary introduction to a complex subject. If I can be of further help please get in touch.

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