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What's the difference between Planning and Building Regulations?

The simplest way to think about the difference is that Planning is concerned with what is built where, whilst Building Regulations are concerned that whatever is built is safe, healthy and energy-efficient.

Planning.

How the planning system in England works is dealt with in a separate resource paper on this site. In shorthand it is concerned with what type of development can be permitted in any particular place to accord with two overarching documents: the National Planning Policy Framework (the Framework or NPPF) which applies everywhere, and the Local Plan, which is specific to each Local Planning Authority.

Planning in England is known as a plan-based system because broad decisions about what should happen in the different parts of a local authority area are decided at intervals with the intention that they will direct development in the locality for a period of years – perhaps 20 to 30 years depending on various circumstances. These broad decisions are set out on a map and in an accompanying written document. These form the Local Plan.

However, individual planning applications generally have to be considered by Local Planning Authorities with regard to the Framework and Local Plans and may or may not be granted planning approval. There are as always exceptions and special circumstances but for the purposes of this paper this is the general rule.

Nowadays the majority of applications are made electronically online using the Planning Portal, a central hub from which documents are passed to different local authorities. Yet another hurdle in the way of the non-specialist.

Building Regulations.

Once planning approval has been gained, Building Regulations approval is required to ensure that what you wish to build will be safe, weatherproof, robust and – of increasing concern – energy-efficient. As ever, not all work to a building may need Building Regulations approval, but this is not the place to go into detail about that.

Historically the Building Regulations were administered solely by the local authority. Whilst local authority Building Control departments continue to exist and operate, nowadays agencies from the private sector can take on this function. In other words you can shop around.

The range of matters covered by Building Regulations are many and varied. If you take a look at the suite of documents that comprise the Regulations (there are different ones for domestic and non-domestic buildings) the reach and detail with which they are concerned explain why no-one without a good deal of knowledge and experience of construction would attempt to complete an application.

Deemed to Satisfy.

However, as mentioned above, Building Regulations are concerned primarily with Health & Safety. Thus many of the documents show how aspects of construction can be detailed to demonstrate that they are 'fit for purpose'. This is a shorthand way of proving adequacy and if such details are adopted they are 'deemed to satisfy' the requirements of the Regulations. This has tended to lead to a 'lowest common denominator' culture in many parts of the building industry where the minimum necessary to achieve Building Regulations approval is the standard.

Bear in mind it is always possible to adopt alternative construction solutions to comply with the requirements of Building Regulations but bear in mind that the onus will be on you or your agent to demonstrate that what you intend to do is as least as good and preferably better than the 'deemed to satisfy' options.

And Finally

All this may be difficult enough to grasp but you must always remember that both planning law and the Building Regulations are under constant review and updates and revisions are published quite regularly. Should you submit applications when changes are being made you will also need to understand what will apply to you depending on timing.

This is a personal view of the subject borne of more than forty years continuous architectural practice. There is no substitute for consulting original sources but if I can be of further help please get in touch.

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