1. When do I need planning permission?

Generally, you need planning permission for any change of use of land or buildings, and the making of a material (i.e. significant) change of use of land or buildings.

Exempted development is development for which planning permission is not required. Categories of exempted development are outlined in the leaflet. There are usually certain thresholds relating to, for example, size or height. Where these thresholds are exceeded, the exemptions no longer apply.

The purpose of exemption is to avoid controls on development of a minor nature, such as small extensions to houses.

2. Can a change of use be exempted development?

Yes. Where a change of use is not “material”, planning permission is not required. (See Q3 PL.7)

3. What is a “material change of use”?

This depends on the circumstances of each situation. Generally, any change of use of a substantial nature which has an impact or potential impact on neighbours or the local community will need planning permission.

The planning authority can give advice on whether it considers any particular change of use is significant enough to be “material” for planning purposes.

4. Can I build on extension?

Small scale domestic extensions, including conservatories, do not require planning permission if the extension is to the rear of the house and complies with the following:

• the original floor area of the house is not increased by more than 40 square metres. It is important to note that where the house has been extended before, the floor area of the extension you are now proposing and the floor area of any previous extension, including those for which you got planning permission, cannot exceed 40 square metres;

• for terraced or semi-detached houses, the floor area of any extension above ground level does not exceed 25 square metres, this includes any previous extensions carried out;

• any extension above ground floor level is at least 2m from any boundary;

• any extension does not exceed the height of the house;

• any extension does not exceed the area of private open space (i.e. space, reserved for the occupants of the house, to less than 25 square metres.

There are also rules about the height allowed in such an extension. These are that:

• if the rear wall of the house does not include a gable, the height of the walls of the extension must not exceed the height of the rear wall of the house;

• if the rear wall of the existing house has a gable, the walls of the extension (excluding any gable being built as part of the extension) shall not be higher than the side walls of the extension;

• in the case of a flat roofed extension, the height of the highest part of the roof may not exceed the height of the roof of the house;

• in the case of a solid roofed extension, the height of the highest part of the roof may not exceed the height of the existing roof;

• a gable is the upper part of a wall (normally triangular) between the sloping ends of a pitched roof.

There are also rules about the required distances between windows in extensions, the facing boundary of the adjoining property and the use of the roof of the extension. These are that:

• any windows proposed at ground floor level as part of an extension should not be less than 1 metre from the boundary they face;

• any windows proposed at above ground level should be not less than 11 metres from the boundary they face;

• the roof of any such extension should not be used as a balcony or roof garden.

6. Can I convert my garage to domestic use?

The conversion for use as part of a dwelling house (e.g. as a living room or bedroom) of a garage, store, shed etc. attached to the rear or side of a house is normally exempted development, subject to the 40 square metre limit and conditions as outlined in this leaflet. (See Question 19 above.

Note: You should contact your planning authority if you are unsure of any of the above conditions in relation to proposed extension.

7. Can I build a shed?

You can build a garage, carport, shed, greenhouse, kernel for domestic pets etc. as long as it does not extend out in front of the building line of the house and does not exceed 4 metres in height, (if it has a tile or slated pitched roof), or 3 metres if it has any other roof type. The floor area limitation for exempted development is 25 square metres. The structure must be not used for commercial purposes or for keeping pets, poultry, pigeons or hares. Garages, sheds and stores, when added to the side of a house, must match the finish of the house. You cannot reduce the open space reserved exclusivly for the use of the occupants of the house, at the side or roof of the house below 25 square metres.

8. Can I build a front porch?

You can build a porch without planning permission, as long as it does not exceed 2 square metres in area and is more than 2 metres from any public road or footpath. If the porch has a tiled or slated pitched roof, it must not exceed 4 metres in height, or 3 metres for any other roof type.

A front porch within these limits is only the type of development allowed to extend beyond the front wall of the building (the building line) and still remain exempted.

9. Can I erect fences and gates?

Capped walls made of brick, stone or block with a decorative finish, and wooden fences, but not a metal palisade or security fence, can be erected as long as they do not exceed 1.2 metres in height in front of your house or 2 metres at the side or rear. If the wall is made of plain blocks or mass concrete it must be rendered or plastered. Gates and gateways may be built or built-in providing they do not exceed 2 metres in height. You will need planning permission if you wish to make a new or wider access to the public road.

10. Can I build a chimney and a boiler house?

A boiler house or a chimney for a central heating system, or an oil storage tank (up to 3,500 litres capacity), is exempted development.

11. Can I build paths, ponds and patios?

Car parking spaces, hard surfacing, garden paths, garden ponds and patios etc. are exempt once they are not more than 1 metre above or below ground level. There are no other limitations to the rear of the house but no more than 2 car parking spaces to the side or front of the house are exempt.

12. Can I put up a television aerial?

A radio or TV aerial on your roof is exempt once it does not exceed 6 metres in heights above the roof. A satellite dish up to 1 metre across and below the top of the roof is exempted development only to the rear or side of the house. Only one dish may be erected on a house. A dish to the front or side of your house, which you got planning permission, cannot exceed 4 metres in height, or 3 metres for any other roof type.

13. Can I carry out internal alteration, external repairs and maintenance?

You can carry out any internal alteration you wish as long as you do not alter the domestic use of the house. Extensions of a minor nature, such as painting or replastering do not need planning permission. The only way to materially affect the external appearance, thus rendering the appearance inconsistent with neighbouring buildings. You may need approval for certain internal alteration e.g. a new connection to a sewer.

14. Can I demolish an old building?

You may demolish without planning permission other than:

• a habitable house, or;

• a protected structure or a proposed protected structure;

• a dwelling, in a terrace, or one which is attached to another building in separate ownership.

However, it does not automatically follow that you will get permission to build a replacement.

A habitable house is a house which is

• used as a dwelling;

• not in use, but last used it was a dwelling and is not derelict;

• or is provided for use as a dwelling but has not been occupied;

• or it includes a building where the last permitted use was as a house, even if it has been in unauthorised use since then.

15. Can I store caravans and boats?

One caravan, one campervan or one boat may be stored on your land for up to 9 months of the year. The storage must be as far away from the road as possible and not to the subdivision of a house into flats or granny flats. Planning permission must be obtained for such works.

16. Can I put up advertisements?

You do not need permission for domestic advertisements up to 0.3 square metres in area, such as your house name or number and “ Beware of Dog” type signs. If you are selling or letting your house the size increases to 0.6 metres but only one advertisement is allowed and it may not be left up any longer than 7 days after the sale or letting.
17. Are there any limitations to exempted development?

All forms of development which are normally exempted lose this status and require planning permission if they:

• contravene a condition of a planning permission;

• endanger public safety by causing a traffic hazard or obstructing the view of road users;

• build forward of the building line (except in the case of small porches);

• involve a new or wider access to a public road;

• affect a building, feature, site, character of landscape, view of special amenity value or special interest, etc., (check your local development plan);

• obstruct a public right of way;

• are not wholly related to the use of the house for domestic purposes;

• involve development within a special area;

• involve development to a protected structure;

• involve development within a special amenity area;

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