

ALL ABOUT PLANNING PERMISSION

This fact sheet has been written to give you a better idea about the different types of planning permission, and how the whole planning permission process works.

KEY POINTS:

1. Never buy a plot without knowing if planning permission can be obtained
2. Be aware about the different types of planning permission that exist
3. Outline planning permission is always conditional
4. The consent laws have recently changed

More information/Useful contacts:

The Planning Portal
Type "planning permission" into site search

www.planningportal.gov.uk
www.direct.gov.uk

THE IMPORTANCE OF PLANNING PERMISSION:

What turns the corner of a field, or part of somebody's garden, into a building plot? It's planning permission. Without planning permission land simply can not be built on, so it does not make much sense to buy land without it. Never pay for land before it has actually got planning permission; you can agree to buy but if the planning application fails, the contracts need to be voided.

TYPES OF PLANNING PERMISSION:

Planning permission is usually given in two parts:-

- Outline planning permission grants approval on the principle that the land can be developed. It can be obtained with a simple site plan, which could be nothing more than a copy of the Ordinance Survey map, with a red line drawn around the curtilage of the plot.
- Detailed planning permission, or Approval of Reserved Matters as it is more properly called, deals with the actual design of the proposed dwelling, its siting, and the type of external materials that it will be constructed with.
- Full planning permission rolls the outline and detailed stages together into one application. Up until the autumn of 2005, most consents were granted for five years, but since then most consents in England & Wales now last for only three years. It is, however, up to the council to set their own time limits.

CONDITIONS:

Outline planning permission is always conditional; in other words it will always be given with certain conditions that have to be satisfied. The first and most important of these is the length of time it will run for. It is vital if you are buying a plot, or any property that is subject to a planning consent, that you check out the dates first.

OLD & NEW CONSENTS:

Many older outline consents were granted for a period of five years, with the condition that application should be made within three years for Approval of Reserved Matters. If, therefore one is buying land with such a consent four years after it was originally granted, and no such application for detailing planning permission has been made, then technically the consent has expired. In which case, you might still want to proceed with the purchase, but with a condition on the contract of sale making it subject to receipt of satisfactory planning permission.

Newer outline consents will only last for three years with the requirements that the application must be made within that period, and that work must commence on site within two years of the granting of the Approval of Reserved Matters. This is important because it does mean that if the application for the detailed consent runs past the original three year period and it fails, then the outline consent will be out of time and therefore no longer be valid. Once again, the rule must be to check all dates carefully and if necessary, only agree to buy subject to receipt of satisfactory planning permission.

REMEMBER:

A planning consent may also contain various other conditions requiring that something is done, or that some criteria are fulfilled, before the consent is operated or before the resulting home is occupied. It is imperative that you make absolutely certain that these conditions are capable of being satisfied by you, or by others. You must also be certain that if they involve third parties, the necessary legal agreements are in place to make certain that they can be satisfied.