

**9. Drainage.** The Environment Agency may be consulted if there are water courses near to the site, which may be affected by septic tanks, etc.

**10. Trees.** If any trees are to be felled, their location has to be plotted on the drawings.

**11. Access to Roads.** If you are creating a new drive and cross over the pavement, the local highway authority will be consulted by the planners. If a trunk road is involved, the Highways Agency, a national body, will be informed. If these organisations refuse to agree to your proposed new access, the application may be refused.

**12. Rights of Way.** If your development does affect a right of way, get legal advice before submitting the application.

**13. Indicate Gross Floorspace for Non-Residential Development.** This does not apply to your application. For other kinds of development, the planning departments need more information to assess the impact of the development. Some local authorities send out separate forms to householders for this reason.

**15. Signature.** A planning application must be complete and signed before it will be accepted and logged, and a cheque for the planning fee must also be sent. If there is anything missing, there will be a delay of one or two weeks, so that they can notify you and you can supply whatever has been missed.

Town and country planning (general development procedure) Order 1995

CERTIFICATE UNDER ARTICLE 7  
PARTS ONE AND TWO OF THIS FORM MUST BE COMPLETED,  
SIGNED AND DATED BY ALL APPLICANTS/APPELLANTS

**PART 1 - LANDOWNERSHIP**  
For all certificates owner means a person having a freehold interest or a leasehold interest, the unexpired term of which was not less than 7 year. If the applicant is the owner of all the land, the subject of the application/appeal Certificate A is appropriate. In all other cases the applicant will need to serve the Notice under Article 6 attached on the person(s) who was/were the owner(s) 21 days before the date of the accompanying application and complete Certificate B. If the owners of any land are unknown the applicant/appealant should obtain Certificate C or D from the Directorate of Planning and Development and complete and attach them to the application having complied with the procedure.

**CERTIFICATE A**  
I certify that:  
On the 21 days before the date accompanying application nobody, except the applicant/appealant, was the owner of any part of the land to which the application/appeal relates.

Signed ..... Date .....  
On behalf of .....

**CERTIFICATE B**  
I have/The applicant/The appellants\* has give the requisite notice to everyone else who, on the day 21 days before the date of the accompanying application/appeal, was the owner of any part of the land to which the application/appeal relates, as listed below

Owner's name	Address at which notice was served	Date on which notice was served

Signed ..... Date .....  
On behalf of .....

**PART II - AGRICULTURAL HOLDINGS CERTIFICATE**  
None of the land to which the application relates is, or is part of, an agricultural holding  
OR  
I have/The applicant/The appellants\* has given the requisite notice to every person other than my/him/her\*self who, on the day 21 days before the date of the application/appeal, was a tenant of an agricultural holding on all or part of the land to which the application/appeal relates, as follows:

Tenant's name	Address at which notice was served	Date on which notice was served

Signed ..... Date .....  
\*On behalf of .....

\*Delete as appropriate

### Planning Certificates

### Planning certificates

Along with the actual application form, you also have to submit certificate relating to the ownership and use of the land:

#### Part I – Land Ownership, Certificate A

You must be absolutely clear who owns all the land which forms the application, and only fill this certificate in if you are quite certain that it is you.

#### Part 1 – Land Ownership, Certificate B

If it belongs to someone else, you must send a notice to them when you submit, formally notifying them of what you are doing. This is to prevent unscrupulous people from getting an approval before buying land, without the owner knowing. Intentional failure to notify an owner, or a deliberate mis-statement about who owns the land is a serious offence, and may also invalidate the planning application. If you don't know who the owner is, a notice has to be put in the local paper.

#### Part II Agricultural Holdings Certificate

This is to ensure that tenant farmers and others are notified of the application. Surprisingly, if a tenant is not farming the land, for example rents the property on a limited lease, there is not an obligation to notify them, unless the lease is greater than seven years.



**Hot tip:** If you have had discussions with a planning officer, make sure that they are named in a covering letter, and also refer to any correspondence that may have taken place. If you do not and it is allocated to another person who is unaware of them, your negotiations may not be taken into account.

### What happens once an application is submitted?

#### Acknowledgement

Assuming that the application has all the necessary drawings, documents and payment in place, an administration officer will log the date and time that the application is received and allocate it to a planning officer.

#### Consultations

Once the allocated officer has received the application, letters of notification will be sent to neighbours and other interested parties inviting comments, usually within 21 days.

#### Keeping in touch

If you have already had a pre-application meeting or contact with the planning department, allow three to four weeks for consultations to take place before you make further contact. There may be nothing further to discuss until comments are received back from the parties being consulted.

#### Representations

Once you do contact the planning officer, if you then find there are unanticipated problems, arrange a meeting as soon as possible. Planning departments have targets for the time it should take to get a decision made, and they will want either to sort out a problem, or reject the application very quickly if they don't believe that there is any possibility of a compromise.

#### Officer's report

Once an officer, in conjunction with the senior planner, has decided on a recommendation, a report will be prepared, usually recommending approval with conditions or a refusal. In uncontroversial situations, the councillors may delegate the decision, which means that it is made by the planning staff rather than the committee.

#### Local councillors

In any situation where there have been several objections, or the approval may have

important implications (e.g. in a prominent location), the decision may be put to the Planning Committee for debate.

#### Planning Committee meetings

Planning Committee meetings are open to the public, and are often attended by interested parties, and journalists as observers. The officers will make their case, in a written report sent out in advance, and with a oral summary before the application is discussed by members of the planning committee. Some committees allow short presentations from objectors and applicant. It can be more effective if you can persuade a councillor to speak in support of your application on your behalf.

#### Decision

Usually a written confirmation of the decision is sent out to the applicant and others who have made written comments within a few days.



**Watchpoint:** The approval notice is an important document. Make sure if you use an agent that you obtain the original document for your records and not a copy. The original will be required when the house is sold.

#### Conditions

You may feel ready to relax about the planning approval now, but understand that the list of conditions that are included as part of the Approval Notice are integral to the permission. Some of these are fairly routine, for example preventing work from starting before the brick and tile samples have been approved by the Council. Others may be more onerous and can cause more expense or may be less acceptable to you. An example may be an express requirement to accommodate more cars on the site, or for someone who plans to work from home, a restriction on any ancillary business use. Other conditions that could add to the cost

are mining and contaminated land reports, or archaeological investigations. If you think a condition is unreasonable, or unenforceable, you can appeal against it in a similar way to a refusal of planning consent.

#### Appeals

If the application is refused, you may decide to resubmit an amended application if it will help and you can accommodate the modifications, or lodge an appeal. If you are going to appeal, it is essential to get some professional advice, either from your architect or a planning consultant. Appeals are decided by a government appointed inspector, who is from outside the area, and can be in writing only, at a private hearing, or in public. An excellent booklet on how the appeal process works is published by the Planning Inspectorate and is available from your local planning office.

#### Summary

At the end of the planning process, you should have a document in your possession that gives you planning approval to carry out your alterations. If you wish to make any minor changes, they can be agreed by the local authority as amendments to the application. If you have any major variations, for example, significant changes to the footprint, or an increase in the overall height of a structure, you will have to submit a fresh application. If you are fortunate, the process from submission of the application to getting approval should take about eight weeks; if you have serious problems, it could take twice as long. In most cases there is a condition stipulating that work must start on site within three years, after which time the permission expires.

#### Summary. Applying for planning permission

1. Obtain all existing planning documents from vendor, and confirm ownership boundary.
2. Check for special controls in the area, e.g. Conservation Area.
3. Hold preliminary Consultation with Planning Officer.
4. Consult any interested parties, e.g. highways department, parish council.
5. Obtain planning application forms.
6. Finalise design.
7. Consult neighbours.
8. Submit application and pay fee.
9. Check with planning officer 3--4 weeks after submission.
10. Meet and discuss any amendments, if necessary.
11. Receive decision notice.

### Submitting a building regulations application

#### Introduction

Once you have obtained planning permission, the next key task is to obtain approval under the building regulations. Although the same department of the local authority usually gives the approval, this is a separate exercise from obtaining planning permission. Granting of planning approval does not imply that a design will get building regulations approval, and vice versa. If you have been using a professional to prepare your plans, they will be very familiar with the current regulations and will have ensured that your planning drawings can also comply with the regulations.

#### What are the building regulations?

The building regulations have been created to ensure that all significant building work complies with some minimum standards of construction. This protects the people who are to use or live in a building, for example, by checking that the structure is sound. But they ensure that the interests of the general community are served as well, for example

by ensuring the need for burning fossil fuels is kept to a minimum. The main regulations, passed by Parliament, state that a building must comply with these requirements, and guidance on how this might be achieved is given in a set of booklets called 'Approved Documents' (see below).

The Approved Documents are regularly updated, which means that designers and builders have to ensure that they keep abreast of changes. If you can find other ways of complying with the law, which could be summed up as 'it should be built properly', you do not necessarily have to do what the Approved Documents stipulate.

Getting building regulations approval is quite different from the highly subjective planning approval process. Whether or not a building complies is mostly a matter of fact rather than opinion. Building control officers are usually very pragmatic people, and will agree changes and improvements on site if necessary.

The ultimate responsibility for compliance with the regulations is on the developer, i.e. you. It can be delegated to a main contractor or site manager, but the buck stops with the homeowner.