

PLANNING & BUILDING REGULATIONS

DATE: 1ST JANUARY 2007

ISSUE NO: 3

THE PLANNING SYSTEM

Scandia-Hus will, as part of the service, handle all aspects of design, planning and building regulations applications on your behalf but, when you are building your own home, you will still need some understanding of how it all works.

The Planning Acts are concerned with whether or not a dwelling can be built at all in a particular locality, as well as with its appearance and the way in which it will relate to its surroundings. There are three levels of planning consent :-

- Outline consent
 - Detailed permission or approval of reserved matters
 - Full planning permission.
- **Outline Consent** establishes the principle of allowing development on a particular plot of land. It means that some sort of building or development may take place on the site, and is what gives the plot its value. We strongly recommend that you do not purchase a plot unless or until at least outline planning permission is in place; better still make your offer to buy subject to the granting of detailed permission. That way, you will know that you are going to be able to build exactly the house that you want on the site.

Outline consents are given subject to reserved matters, which means that such matters as style of house, siting, access details and materials to be used, will have to be agreed at the detailed planning stage. Generally if you have outline planning permission, you have three years in which to submit your application for detailed planning or approval of reserved matters

- **Detailed Permission or Approval of Reserved Matters** is the next stage in the normal planning process. This concerns itself with the actual design, siting and access arrangements for the development. Within this application, any conditions imposed by the outline consent have to be satisfied, and it is possible that fresh conditions may also be added.
- **Full Planning Permission** is really nothing more than a rolling up together of the outline and detailed stages of an application into one consent. It grants permission in principle and, at the same time, considers and approves the full details of the proposed development. It is valid for a period of five years from the date of its granting.

The words consent and permission are interchangeable as far as planning matters are concerned, and detailed or full consents can still have conditions attached to them, which have to be satisfied before work can commence on site. An example of these may be that a landscaping scheme will have to be submitted and approved by the local authority or that the access visibility splays have to be improved. Another common condition is that, before work commences on site, approval has to be obtained for the use of any external materials, such as type and colour of bricks or roof tiles.

Planning Application

For a full planning application the following documents and drawings have to be prepared and submitted (usually in quadruplicate) to the planning department :-

- Planning application forms
- Location plan
- Site plan
- Floor plans

- Elevations
- Cheque covering planning fee.

This work will be undertaken by Scandia-Hus on your behalf, and the company will also handle all subsequent negotiations with the planning officer assigned to handle your application.

Few sites are free from problems or restrictions, and it is therefore often necessary, and always advisable, to commission a general site survey to aid the preparation of your planning application. Such a survey should include a general description of the site and also cover aspects such as site levels, boundaries, existing hedges, fences and trees, position and size of any existing building(s) on the site, location of visible inspection chambers, position of overhead cables, relationship of plot to adjoining highway, existing and/or proposed access to site, brief description of adjoining properties, etc. and preferably also be accompanied by photographs of the site.

The cost of such a survey is likely to be in the region of £450 – a worth while investment - and you may engage either Scandia-Hus or a local surveyor to undertake the work. Please see our *Fact Sheet No. 8 – Site Surveys* - for additional information.

Planning Decisions

Planning authorities are instructed by the government to process planning applications within eight weeks. However, many struggle to meet this time scale and frequently request consent for an extension of time. It does not make sense to refuse this consent, as in that case the authority may well simply determine the application by a refusal, citing lack of time for proper consideration.

Although planning is governed by law, this is a law that is interpreted by opinion, and opinions can vary. Each planning officer will interpret his own role in the administration of the Planning Acts in his own way, and a change of personnel can make a marked difference to the progress of an application. This is where Scandia-Hus' expertise comes into play. Your personal Scandia-Hus project manager is experienced in obtaining planning permission and in undertaking the extensive and often very time-consuming negotiations that are necessary with some local authorities.

Once your application has been submitted to the local authority, it is registered and assigned to an officer who will then send out for "Statutory Consultations". These are made to bodies such as the Highways Authority, the Environment Agency and the National Rivers Authority, as well as to the local parish council. At the end of the consultation period, the planning officer will prepare a report on your application, which will form the basis of his recommendation to the planning committee.

Your project manager will consult with the planning officer to find out whether, in his opinion, there is anything particularly contentious in your proposals and, if so, the officer may list some changes that the planners would like to see. It may well be that the reservations, if any, expressed by the planning officer, do not disturb you overmuch, in which case, in consultation with you, we would quickly move to incorporate the suggestions within the plans. Hopefully the application would then receive a favourable recommendation to proceed.

You are entitled to attend the meeting at which your application is to be considered and, provided you register your intention to do so prior to the meeting, you will be given the opportunity to make a brief presentation of your case to the committee. Should you decide not to attend the meeting, your Scandia-Hus project manager will contact the planning department immediately following the committee meeting to seek verbal confirmation of the outcome, and will inform you of the committee's decision. The official written consent (or refusal) will follow within a week to 10 days.

Planning Conditions

As mentioned above, detailed or full planning approvals usually come with conditions attached. These will be set out on the official notice of approval, and you will need to take careful note of them. They may for example affect the external materials of your new home, which could have cost implications that would undoubtedly affect your budget. For instance, the planners may insist on the use of plain clay tiles or slates instead of concrete interlocking tiles, at up to four times the cost. Another, less onerous, common condition is that you may need to submit a detailed landscaping scheme for the local authority's approval.

Going to Appeal

If you are dissatisfied with the outcome of a planning application, you can appeal to the Secretary of State for the Environment. You can appeal against outright refusal of the application, and you can also appeal against conditions placed on the approval. You may also go to appeal if the application has not been decided within the two-month statutory period, as mentioned above.

However, appeals are lengthy procedures. It can often take up to nine months before a decision is made, and it would always therefore be our advice to instead try to get approval by making further applications. Try to

negotiate with the planning officer, endeavour to reach a compromise and submit an amended plan, bearing in mind that your object is to submit an application which the planning officer will support when it reaches the committee.

However, if all else fails, on receipt of your official notice of refusal, you have six months in which to appeal. Appeals sound daunting, but a lot depends on how they are handled, and you will probably have a 50/50 chance of winning. In our experience, an appeal is best handled by a local, professional planning consultant who is familiar with the local planning scene.

Appeals are dealt with by an appeals inspector, who acts on behalf of the Secretary of the State for the Environment, and who has the power to confirm, vary or completely change the council's decision. The inspector's decision is final, and this is another reason why we recommend that you try to resubmit an alternative proposal before taking this final step. There is nothing preventing you from submitting any number of planning applications (other than possibly cost), but if you lose your appeal, you have not only lost the battle, but the war!

BUILDING REGULATIONS

As mentioned above, planning permission is subjective and deals with whether you will be allowed to build a new home at all and, if so, what it will look like. Building regulations consent, on the other hand, is objective and confines itself in the main to the structural aspects of the build by reference to the regulations themselves. An application for building regulations approval either conforms to those regulations and is approved, or it fails to conform to them and is rejected.

The building regulations cover the structural and safety aspects of any construction and draw together a mass of other health and environmental issues. The regulations are usually administered by the building control department of the local authority, who has a statutory obligation to enforce them and oversee their functions within their boundaries. However, the government has also devolved the authority to inspect and certify compliance under the building regulations to other bodies, such as the NHBC.

Scandia-Hus will, as part of the overall 'package', handle the preparation and submission of your building regulations application, including the provision of the detailed drawings and structural calculations which are required to accompany all applications.

A building regulations application has to comprise full constructional details including :-

- The relevant application forms
- Site plan, including site details and boundaries. (See comments on Site Surveys on page 2 above).
- Floor plans
- Elevations
- Section drawings
- Foundation plan - assuming standard foundations. (If specialist foundations are required, bearing in mind that each site is different, Scandia-Hus can assist by putting you in touch with structural engineers and/or soil inspection companies. If required, we suggest you contract with such a company for the provision of specialist foundation designs. Such expert design work is beyond the standard Scandia-Hus remit.)
- Intermediate joist plan
- Roof construction drawings
- Engineers' structural calculations
- General details
- NHBC HB353B certificate
- Specification, listed separately or noted on the plans
- Cheque covering the application fee. (Not the inspections fee).

For anyone building their own home, the timing of their application for building regulations approval is an important issue, as most want to make a start on site as soon as planning permission has been granted. However, most applications for building regulations approval are delayed until planning permission has been granted in order to avoid the need to submit a further application, and paying further fees, in the event that planning permission is refused and a different scheme has to be submitted for planning approval.

There are two sets of building regulations fees to pay – the first covering the approval of the plans submitted, and the second in respect of a series of site visits to be undertaken by the building inspector during the build.

Following receipt of the application and fees, the local authority has five weeks to process and determine the application. In practice however, in England and Wales – but not in Scotland - provided your application has been lodged, you do not have to wait for the approval to come through. As long as 48 hours' notice in writing is given of your intention to start work on site, work can commence, but at your own risk.

The building will still have to be inspected and approved as it proceeds, and the building inspector will therefore come along and inspect at the relevant stages. If he approves the work, you may carry on to the next stage in the

normal way. If he does not approve or cannot sanction what you are doing, work will have to stop until either the approval is granted or the necessary information is provided that will allow the inspector to agree to work continuing.

In Scotland, the system has exactly the same goals but works slightly differently. Building Warrant applications are also made to the district council. The main difference to the English system is that no work can proceed on site until a building warrant has been granted. A way to speed up the system is to apply for a staged warrant; the first stage being in respect of the foundations and drainage, after which site works can start. Further stages can then be applied for as work progresses. Building warrant approvals take at least four weeks, and both building warrants and building regulations consents are valid for a period of three years.

On receipt of your application, the building control department will check the plans thoroughly and, in much the same way as the planning department, the building control department has a statutory duty to consult with certain agencies and departments, such as the Environment Agency and departments dealing with fire, highways and public health.

Once formal approval has been granted, most building control departments will issue a set of cards, each covering a particular stage in the construction of your new home. These should be returned to the building control department as each relevant stage is reached, thereby advising the inspector of progress and enabling him to plan his inspection visits to the site. In general, the stages are on completion of :-

- Notice of commencement
- Excavations for foundations
- Foundation concrete
- Oversite
- Damp proof course
- Drains
- Roof structure
- Final inspection on completion.

As explained above, there are a number of differences between planning consent and building regulations approval. One of the most significant is that whilst, once planning permission has been granted, you have consent to build exactly what is shown on the plans, with building regulations consent, although the plans may have been approved as being in accordance with regulations, things are not quite as clear cut. If, when work commences, the inspector feels that, due to conditions experienced or evident on site, changes need to be made, then he has the powers to impose those changes.

For example, your plans may show a 'standard' one metre strip foundation, and your building regulations approval may have been granted on that premiss. However, when the ground workers start digging the footings, the ground may be found to be unsuitable, and the inspector can then insist on a different route. He may require the trenches to be made deeper, he may request a soil investigation or may require a special foundation to be designed by an engineer. If so, he will require work to stop until such time as everything has been agreed and approved.

It may seem that the inspector is being difficult and is simply causing problems by insisting on late changes, delaying the job and adding additional costs to the project. However, his objectives are, of course, the same as your own, namely to ensure the stability and integrity of your new home. Hopefully this will not happen to your project, but you should be aware of this possibility and allow a contingency sum in your budget for such an eventuality.

WARRANTIES

As mentioned in Fact Sheet No. 11 – Finance and Insurance – if you are financing your build through a loan from a bank or a building society, they will insist on a structural warranty, and this will also be required by your buyer's lenders, in the event that you decide to sell your new home within a ten-year period. Your warranty choices are essentially between the NHBC (National House Building Council) and Zurich Municipal, whose inspectors will, in addition to the local authority building inspector, oversee the work on site at pre-determined stages of the build.

Both the NHBC and the Zurich operate special schemes for self-builders and both offer a 10-year guarantee, where, should anything go wrong with your home at a later date, you make a claim against an insurance policy. This may seem somewhat of a 'belt-and-braces' approach, but it provides you with an additional guarantee to ensure that your new home is correctly built.