



## PLANNING & BUILDING REGULATIONS

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

### THE PLANNING SYSTEM

Before submitting a planning application, we recommend discussing your proposed development with the appropriate local planning authority (LPA). They will advise you how to proceed and help to avoid any local issues or conditions that could potentially affect your application.

### Planning Permission

The Planning Policies are concerned with whether or not a dwelling can be built at all in a particular locality, as well as with its appearance and how it will relate to its surroundings. There are two basic levels of planning consent 'Outline' and 'Detailed': -

- Outline Planning Permission (OPP) 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. Where a residential dwelling already exists, the principle of residential usage is therefore already established. We strongly recommend that you establish the viability of building on the land you wish to acquire before agreeing to purchase it. In an ideal scenario, this would mean purchasing a plot with outline planning permission in place; better still make your offer to buy subject to the granting of permission. That way, you will know that you are buying a viable plot and not taking a huge level of risk.

Outline consents are given subject to 'Reserved Matters', which means that key areas of detail are still yet to be approved. The factors that can be 'reserved' by an outline approval are the following:

- ✓ **Appearance** - aspects of a building or place which affect the way it looks, including the exterior of the development.
- ✓ **Access** - covers accessibility for all routes to and within the site, as well as the way they link up to other roads and pathways outside the site.
- ✓ **Landscaping** - the improvement or protection of the amenities of the site and the surrounding area, this could include planting trees or hedges as a screen.
- ✓ **Layout** - includes buildings, routes and open spaces within the development and the way they are laid out in relation to buildings and spaces outside the development.
- ✓ **Scale** - includes information on the size of the development, including the height, width and length of the proposed building.

In order to discharge the above points, a 'Reserved Matters Application' will need to be submitted. 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.

- Detailed Planning Permission (DPP) is really nothing more than a rolling up together of the Outline and Reserved Matters 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 three years from the date of its granting.

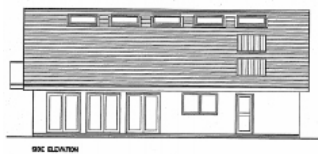
Scandia-Hus can submit an Outline, Reserved Matters or Detailed Planning application on your behalf.

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 certain aspects of 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 Detailed planning application, as a minimum, the following documents and drawings have to be prepared and submitted to the planning department: -

- Planning application forms
- Ordnance survey location plan
- Existing and proposed topographical site plans
- Proposed floor and roof plans
- Proposed elevations and sections
- Existing plans and elevation of property being demolished if applicable
- Design and access statement or planning statement whichever is applicable
- Payment 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.

Other requirements are more site and local authority specific and can include: -

- Tree surveys
- Ecological surveys
- Flood risk assessments
- Heritage statements
- Highways survey
- Community Infrastructure Levy (CIL) forms

## 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 their own role in the administration of the Planning Policies in their 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 and the Environment Agency, as well as to the local parish council and immediate neighbours of the land. At the end of the consultation period, the planning officer will prepare a report on your application, which will form the basis of their recommendation to their team leader to authorise.

Your Project Manager will consult with the planning officer to find out whether, in their 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. If the changes are relatively minor and acceptable to you, Scandia-Hus will amend the plans accordingly. Hopefully, the application would then receive a favourable recommendation to proceed.

## **Committee**

Some planning applications may need to be determined by Planning Committee. This usually only happens if the application is particularly contentious or you have instructed your local councillor to 'call it to committee' because you fear it will be received negatively at officer level. 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 or a representative on your behalf 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 normally follow within a week to 10 days.

## **Planning Conditions**

As mentioned earlier planning approvals 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. Some conditions will be informative but will still need adhering to, like needing to begin your project before the elapse of 3 years. Others will require additional information to be submitted, for example, the external materials of your new home, which could also 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, more common condition is that you may need to submit a detailed landscaping scheme for the local authority's approval. Some approvals may only have three or four conditions, others may have as many as thirty! All are important and need to be read through carefully. The council could also make some of the conditions pre-commencement. Therefore, the conditions will have to be approved/discharged by the council before any works on site can start. Obviously, this is important to note as it could impact on your projected time scales for the build.

## **Going to Appeal**

If you are dissatisfied with the outcome of a planning application, you can appeal to the Planning Inspectorate. 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 an 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. 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. 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 Planning Inspectorate, 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 could seriously reduce your chances of securing any approval.

## **Community Infrastructure Levy (CIL)**

Many local planning authorities now charge a Community Infrastructure Levy (CIL) on new developments. This contribution was originally bought in to curb developers' profits and make them pay towards the extra impact that the additional houses were having on local roads, schools, local community facilities, etc. The local authority will calculate a rate per sq.m /sq.ft based on the overall additional size of new development and this money will need to be paid to the local authority.

CIL contributions are now also calculated for self-builders but provided you live in the house that you build for a minimum of three years, you are not classified as a developer and as such, you will not have to pay the CIL charges. This is, however, dependent on the correct forms and commencement notices being submitted at the appropriate times.

Scandia-Hus staff are able to help and advise with CIL forms but it is important to understand that they are legal documents that can have huge cost implications for you and as such the responsibility to complete and discharge this documentation is yours.

## BUILDING REGULATIONS

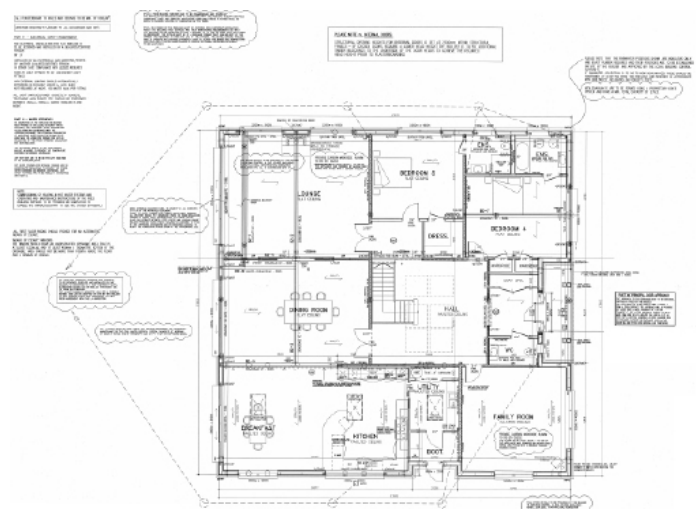
As mentioned above, planning permission is subjective and deals with whether you will be allowed to build a new home at all and, if so, what it will look like. Building Regulations consent, on the other hand, is objective and confines itself in the main to the structural aspects of the build by reference 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. There are, however, some aspects where you can negotiate a variation to the usual building regulation requirements.

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 structural warranty providers.

Scandia-Hus will, as part of the service we offer, 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
- Fully dimensioned floor plans
- Elevations
- Section drawings
- Foundation plan (assuming standard foundations. If specialist foundations are required, bearing in mind that each site is different, Scandia 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)
- Soil and porosity test
- Intermediate joist plan
- Roof construction drawings
- Engineers' structural calculations
- General details
- SAP energy efficiency and water usage calculations
- Structural design certificate
- Specification listed separately or noted on the plans
- Payment covering the application fee (inspection fees will be invoiced directly by the relevant authority)



For anyone building their own home, the timing of their application for building regulations approval is an important issue, as most want to submit the building application once the planning application has been acknowledged. However, most building regulation applications aren't submitted until after planning permission has been granted. This is 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 and therefore, also building control.

Following receipt of the application and fees, the local authority process and determine the application. In practice, however, in England and Wales 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. We recommend you keep a photo diary until such time the relevant building control inspection has taken place.

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 they approve the work, you may carry on to the next stage in the normal way. If they do 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.

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, there will be conditions to discharge. In general, the stages are on completion of: -

- Notice of commencement
- Excavations for foundations
- Foundation concrete
- Oversight
- 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, once planning permission has been granted, you have consent to build exactly what is shown on the plans, with building regulations consent, 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 they have 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 premise. 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. They may require the trenches to be made deeper or may require a special foundation to be designed by an engineer. If so, they will require work to stop until such time as everything has been agreed and approved.

We always recommend you commission a soil test / investigation before starting on site. Building Control will generally expect to have sight of one of these, as will a warranty provider. Ultimately it could save you from delays on site.

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, their 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. 10 - 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. There are several reputable warranty providers in the market and choices include LABC and Buildzone, whose inspectors will, in addition to the local authority building inspector, oversee the work on site at pre-determined stages of the build.

The warranty providers operate special schemes for self-builders and all offer a 10-year guarantee, where, should there be any structural failings 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.

Most of the warranty providers now also offer the service of completing the Building Regulations inspections for you at the same time. This can often prove to be more cost-effective than opting to use the local authority inspectors but many clients prefer to have two sets of eyes (the warranty provider and the building control inspector) looking over their build to ensure all work is being completed to a satisfactory standard.