

APPENDIX 11a

Development Management - New Householder Enquiry Form - Briefing Note

Q - What is being proposed?

It is proposed to launch a new “Do I need Planning Permission?” service, exclusively for householders.

Customers will have the opportunity to apply for the Council’s written opinion as to whether proposed works to their dwelling will require the Council’s planning permission.

The launch fee for this service is proposed to be £25 (including VAT).

Q – What is “permitted development”?

“Permitted development” rights are a national grant of planning permission which allow certain building works and changes of use to be carried out without having to make a planning application to the Local Planning Authority.

The government permits a householder to extend their property, without requiring the Local Planning Authority’s planning permission. This permission is automatically awarded by Government Order¹.

Q – Does the householder require anything from the Council?

The applicant does not normally require anything from the Local Planning Authority (although they do need to apply for the Council’s “Prior Approval” for certain “larger” extensions – with a £96 fee).

However, the rules within the legislation setting out what may be permitted are long, legalistic and technical – by way of example, the legislation on householder allowances extends for 10 pages and is not readily accessible for a non-planning person. The Government’s published technical guide² to explain the rules for householders, in itself extends for 50 pages.

It is commonplace therefore for a householder to seek the Local Planning Authority to confirm whether or not their house extension will need planning permission. Very often, they ask for this opinion in writing, as a record.

Q – How does a Householder currently find out whether or not they need planning permission?

The Planning System has a process for people to apply for a Certificate for confirmation proposed works would be lawful. A **Lawful Development Certificate** for a proposed use is set at “half the normal fee” - so, £103 for a householder extension. There is a statutory target of 8 weeks for WLDC to determine such an application.

A householder can ring and have an informal chat with our **Duty Officer** for free on Mondays, Wednesdays and Fridays. However, the Duty Officer can only offer an informal oral opinion, based on what the customer has conveyed verbally to them.

For written advice, we charge a **pre-application fee** of £93.60 (incl VAT) for advice on householder development.

Q – Is there likely to be a demand for this service?

¹ The Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)

² <https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

Over a two month period, we recorded 38 calls were received by the Duty Officer, from householders enquiring whether an extension would require planning permission. However, the Duty Officer can only offer an informal oral opinion and many customers ask if we could put this in writing.

In that same period, however, we received only one application for a Lawful Development Certificate for proposed householder development, and only three householder pre-application enquiries.

It is considered therefore that customers are not actively making use of the existing services in this regard.

It is considered that this is because there is no quick, straightforward and affordable way for the customer to receive a written opinion as to whether planning permission is required.

Q – What are the benefits to the customer?

The benefit of the proposed service would be a streamlined service, which would only consider whether or not the householder development requires planning permission.

It would be available at a lower, and therefore more accessible price to the customer (on the basis it only considers as to whether or not planning permission is required).

This allows the customer to receive a written opinion of the Local Planning Authority on this matter for their records, before proceeding with any works.

It should also reduce the likelihood of customers proceeding with potentially unauthorised development.

Q – What are the benefits for the Council?

From the Council's perspective, it gives a bespoke application form to ensure the applicant supplies all the information required to allow the Council to form an opinion.

It allows an expedited desk based assessment to take place, and enables a quicker response time for the applicant.

Furthermore, we will be able to maintain a record of advice given, should these matters ever be disputed or raised with the Enforcement Team.

It also ensures we receive a proportionate fee to cover the service cost.

Q – When would the service be required?

The customer will still be able to receive the Planning Duty Officer's informal oral opinion for free (as any applicant on any planning matter can). However, if they do require a written opinion to confirm they do not require planning permission, the Householder Enquiry form would be engaged.

Q – What would happen if they wish to go ahead without the Council's opinion?

"Permitted development" rights are a national grant of planning permission – they do not require the Council's written confirmation or opinion.

The introduction of the streamlined service is to better incentivise customers with the option to seek the Council's written opinion, in an accessible and affordable way.