

Is Planning Permission Necessary?

In short, not always.

Planning permission is not always required and will ultimately depend on a number of factors:

- The type of improvements you plan to make.
- The nature of any restrictions placed on the property.
- The property's location
- Any covenants placed on the land or building in question.

There are some types of work that you are allowed to carry out on your property without planning permission. These are defined as 'Permitted Development' under the Town and Country Planning (General Permitted Development) (England) Order 2015. This is explained further in a separate TYP Tips sheet.

Restrictions can be placed on a property in a number of ways. The most common are those placed on the property via a previous application. Sometimes the Local Planning Authority (LPA) will grant permission for a scheme and add a restriction restricting further development (removal of Permitted Development Rights).

The other common restriction is the property's location. This is something that cannot be overcome. If, for example, you live in a national park, an area of outstanding natural beauty (AONB), a Conservation Area or if your property is registered as having "historic interest" then your property is subject to an Article 4 direction removing all permitted development rights.

So, in answer to the original question, if you live in any of these areas then yes, you do need planning permission no matter the nature of the improvements planned.

In some instances, a restrictive covenant may be placed on the land which will prevent any future development. Covenants cannot be ignored or removed unless via agreement which can only be discharged by the Lands Tribunal. Covenants are separate legally to the planning process therefore gaining permission will not remove any covenant in place. Should you obtain permission without removing a pre-existing covenant then you are still restricted from implementing the permission until the covenant is removed.

For larger or more complex schemes it can be beneficial to seek the LPA's advice/guidance by submitting the proposals for pre-application advice. This is covered separately on another TYP Tips sheet.

If unsure, then reach out and we will try and assist as best we can.