

## Planning Applications

Section 55 of the Town and Country Planning Act 1990 defines development and also details what does not amount to development.

The Act states as follows:-

### Meaning of “development” and “new development”

*Subject to the following provisions of this section, in this Act, except where the context otherwise requires, “development,” means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*

*The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land:*

- (a) *the carrying out for the maintenance, improvement or other alteration of any building of works which —*
  - (i) *affect only the interior of the building, or*
  - (ii) *do not materially affect the external appearance of the building, and are not works for making good war damage or works begun after 5<sup>th</sup> December 1968 for the alteration of a building by providing additional space in it underground;*
- (d) *the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse as such;*
- (e) *the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used;*

As detailed in Acorus Information Sheets 16-18 certain developments can be classed as ‘Permitted Development’, but in most instances the planning process will involve an application/notification to the Council before the development can proceed.

Within the Use Class Order (see Acorus Information Sheet 4) there are permitted changes within Use Classes. These are fairly limited but can be beneficial and so avoid the need for planning permission. However, although there are a few exceptions, most proposals will need the submission of a planning application.

Developments are assessed by Councils (Local Planning Authorities) in light of the prevailing national and local planning policies and also having regard to the consultation responses from a range of statutory consultees, and also neighbours.

The planning system requires applicants to submit plans and a whole range of supporting documents depending on the type of application. Tactics, in terms of how to present the information and the extent of the information, can make the difference to how the



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application is perceived and its chance of success.

#### **DOCUMENTATION FOR PLANNING APPLICATIONS CAN INCLUDE:-**

- Planning Application Forms and Certificates
- Planning Fee
- Site Location Plan
- Existing Site Layout Plan
- Proposed Site Layout Plan
- Existing Layout and Elevation Plans
- Proposed Layout and Elevation Plans
- Design and Access Statement
- Planning/Environmental Statement
  - Details of the development, and its merits
  - Cross referenced with adopted national and local planning policies
  - Government guidance/strategies
- Environmental Impact Assessment
- Tree Survey/Landscaping Scheme
- Protected Species Survey
- Foul Drainage Assessment
- Clean Water/Flood Risk Assessment
- Highways/Traffic Assessment/Travel Plan
- Public Rights of Way Statement
- Ecological Assessment
- Archaeological Assessment

It is clear that to ensure a smooth passage to an early planning decision a planning application submission needs to be detailed and be able to address all of the issues where relevant. Time spent in preparation is time well spent, identifying the issues and providing solutions in line with the adopted planning policies. Getting it wrong or excluding relevant information will usually result in a LPA either refusing an application or requesting a withdrawal.

Consult the experts and contact your local Acorus office.



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