

# Residential Permitted Development

There are certain types of development that are allowed to be constructed without first having to have planning permission granted by the local council. These are known as **Permitted Development**. This advice note focuses on **Residential Permitted Development** (there are other types of permitted development not covered here).

In order to be considered Permitted Development, a proposal must meet a set of criteria known as **Permitted Development rights**, normally relating to size, height, location and proximity to boundaries and roads. The criteria are set out by the Town and Country Planning (General Permitted Development) (Amendment No.2)(England) Order 2008.

The Planning Portal's "Interactive House" explains **basic rules on permitted development**. This online tool allows you to explore a virtual house for guidance on the planning regulations for various common householder projects. This can be viewed at :

[www.planningportal.gov.uk/permission/house](http://www.planningportal.gov.uk/permission/house)

**More technical guidance** has been provided by the Department for Communities and Local Government (CLG) in a document titled *Permitted Development for Householders: Technical Guidance*. This document is aimed at those who want to understand in more detail the rules on permitted development and the terms used. This can be viewed at:

[www.planningportal.gov.uk/uploads/100806\\_PDforhouseholders\\_TechnicalGuidance.pdf](http://www.planningportal.gov.uk/uploads/100806_PDforhouseholders_TechnicalGuidance.pdf)

You should always **confirm that planning permission is not required** for a development scheme before proceeding, even if you are confident it is permitted development. Your local planning authority can remove certain permitted development rights by issuing what is known as an Article 4 Direction. They may also have removed those rights on the original, or any subsequent, planning permission for the house itself. Before undertaking any development, check with your local planning authority to see if any restrictions on permitted development have been made.

## Lawful Development Certificates

It is possible to obtain official confirmation that an existing or proposed use of land, buildings or operational development is lawful without planning permission being granted. This is known as a **Certificate of Lawful Use or Development** (proposed or existing). If granted by the local planning authority, the certificate means that enforcement action cannot be carried out on the development referred to.

## How do I Apply for Lawful Development Certificates?

The application forms for Lawful Development Certificates can be downloaded from your local council's website. You will need to provide the Council with sufficient factual evidence to support your case before the authority will approve the application. The responsibility lies with the applicant to prove their case.

## What Happens Next?

If an application for Lawful Development Certificates is wholly or partly refused, you can appeal to the Secretary of State for Communities and Local Government. If the work you propose is not permitted development you will need to apply for planning permission through your local council.

Planning Aid England provides free, confidential and independent advice on the planning process.

Call: 0330 123 9244 or

Email: [advice@planningaid.rtpi.org.uk](mailto:advice@planningaid.rtpi.org.uk)

