

Permitted Development

There are many kinds of alterations and additions that can be made to a domestic property for which you do not need to apply for planning permission. A booklet 'Planning - A Guide for Householders' that is produced by Central Government and available from the Council, gives details.

Alterations and additions for which a planning application is not required are known as 'permitted development rights' and were specified in the Town and Country Planning (General Permitted Development) Order 1995.

If you require any clarification of the contents of the Householders Guide please contact us. Alternatively there is a Planning Surgery, held on Mon & Fri 9-11am and Tues & Thurs 2-4pm, when the Duty Officer can assist you. However the Duty Officer will not be able to confirm whether or not planning permission is required but only to explain the guidelines.

Additional Restrictions

Conservation Areas & Article 4 Directions

The alterations or additions that can be made are more restrictive if you live in a Conservation Area or a Listed Building.

All of the villages in Hart and some parts of the urban centres have Conservation

Areas. In addition the Local Authority has imposed additional protection in the form of Article 4 Directions on most of these Conservation Areas.

We can advise you if your property is Listed Building or if it is situated in a Conservation Area or is covered by the Article 4 Directions.

Separate leaflets are available from the Planning Office explaining the additional restrictions imposed by the Article 4 Directions or those on Listed Buildings.

Conditions on a Planning Application

If there have been any planning applications for the property made since 1948, then it is possible that the permitted development rights have been removed as a planning condition.

For instance there may be a condition restricting further building, or to prevent a garage being converted to living accommodation.

These conditions will be listed on the decision notice of the planning application. If you know the reference numbers of the planning applications relating to your property you can view the decision notices at reception in the Civic Offices.

Alternatively we can research the planning history for you and confirm if the permitted

developments rights are intact or if there are any conditions to limit development.

Please submit your request in writing, giving the date of construction of the property (if known) and details of any extensions or additions that have been carried out. There is a fee for this service of **£35.00**. Please make cheques payable to Hart District Council and enclose it with your request.

Other circumstances

Permitted development rights only apply to development within the curtilage of a dwelling house – and not to flats, maisonettes or commercial premises.

If any part of your proposal goes onto your neighbours land, or you are building on the boundary line then an application for Planning Permission will be required.

Written Confirmation

If you require written confirmation that planning permission is not necessary and that your proposal is permitted development, then you should apply for a **Certificate of Proposed Lawful Use or Development**.

We strongly advise that this is the preferred course of action, as it avoids the possibility of enforcement action being taken at a later stage. If you build something that needs planning permission

without obtaining permission first, you may be forced to put things right later, which could prove troublesome and costly.

Certificates of Lawful Use or Development

Certificates of Lawful Development are certificates which establish conclusively that a use or operational development of land is lawful.

- when it is clearly demonstrated that an *existing* use or operational development is lawful. (Section 191)
- when it is clearly demonstrated that a *proposed* use or operational development does not require a planning application. (Section 192)

Section 192 Certificate

A certificate granted for a proposed use or operation will describe the precise use or operation on a site in the terms considered permissible without the need to make a planning application for it.

The certificate will always give reasons why the use, operation or activity would be lawful.

A Certificate of Lawful Development can provide protection against enforcement action and therefore is valuable in its own

right or it may be advantageous if the property is to be sold.

How do I apply?

The appropriate forms are available from the Planning Office and on the website together with guidance notes on the information that needs to be submitted and the fee payable.

An assessment of the submitted evidence will be made by a Planning Officer and any necessary further details requested.

It is the responsibility of the applicant to show that it is more likely than not that the facts asserted by him or her are correct.

The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or land and the interpretation of the relevant planning laws or judicial authority.

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Do I need Planning Permission?

Planning applications can now be viewed on-line.

Go to www.hart.gov.uk .

A householder guide