Do I Need Planning Permission?

General Guidance

If you are looking for general advice, the Planning Portal Website at http://www.planningportal.gov.uk/permission/ provides a series of guides for householders and businesses. You can use these guides to decide for yourself whether what you have in mind requires planning permission or advert consent. Be aware that the same rights to carry out development without permission do not apply everywhere. For example:

- A previous planning permission on the same site may restrict what you can do without permission.
- You may be in an area where permitted development rights have been removed under an “Article 4 Direction”. These are few in number in the Wakefield District and records of the districts Article 4 areas can be found on our web site at. http://www.wakefield.gov.uk/Planning/Conservation/Conservationareas/default.htm

Specific Confirmation

What about if you want or need to know for certain? Following a review of how we deliver services and to provide certainty for customers, we no longer offer free confirmation about the need for planning permission. Instead, along similar lines to a number of other Local Authorities, we will ask anyone who wants to confirm whether or not planning permission is required for a building or any other work to apply for a “Certificate of Lawfulness”. More information about how to apply and what it costs is provided below.

Certificates can only confirm whether or not planning permission is required. Guides are available on the planning portal, about adverts.

Advantages of a Certificate

A Certificate of Lawfulness gives you a definitive answer as to whether or not you need planning permission, we would therefore recommend that you apply for a certificate of lawfulness rather than rely on the on line guides. If the certificate confirms that your proposal is lawful without the need to apply for planning permission, you can rely on this as proof that no enforcement action will be taken by the Council. This may be important information for future buyers of your property or their legal representatives.

Services and Charges
The fee for a Householder Certificate of Lawfulness is £86 per application, unless the works have already been carried out, when the fee is £172.

The fee for a Certificate of Lawfulness, relating to all development except householder works is half the full planning application fee. If however the works have already been carried out, then the full planning application fee is payable.

Applying for a Certificate of Lawfulness

You can apply online through the Planning Portal or visit our website. Specific guidance for householders on the information required is detailed at the end of this advice note. In summary, you will need to provide a completed application form, scale drawings, or drawings that include full written dimensions, which clearly show what you want to build and how this relates to its surroundings.

If all of the required information is not received, we will not be able to start considering your application. We aim to give you a decision within 8 weeks of receiving a valid application.

Fee Reductions/Exemptions

Fees for Certificates of lawfulness are currently set by central government and only very limited reductions apply, these are:

i) If the application for works which are solely to aid a disabled person then the application for the certificate does not attract a fee

ii) Works by a Parish Council attract half the relevant fee. Further guidance on fees can be found at:


Planning Permission

If you apply for a certificate, and this confirms that you do need planning permission, a further fee will be payable with your planning application. Provided that you are applying for the same development that was covered by the certificate, we will send a guidance letter with your certificate confirming planning permission is required and will identify in it any specific planning issues which may influence a decision on your application. Please be aware that any advice is given in good faith, but will relate to an officer opinion and does not bind the Council to a particular decision on a planning application.
Applying for a Certificate of Lawfulness – Checklist for Householders

In order for your application to be valid, the following is required:

1. **Fee** – The fee for a Certificate of Lawfulness is £86 per application, unless the works have already been carried out, when the fee is £172.

2. **Application Form** – You can apply online via the following link: http://www.planningportal.gov.uk/planning/applications/planningapplications, or can download a copy of the form from the same site. Paper copies are available from the Planning Service Reception.

3. **Location Plan** – At scale 1:1250, with a red line around the boundary of the site) these can be purchased online from one of the four suppliers: http://www.planningportal.gov.uk/planningportal/SiteLocationPlansVendors.jsp

Alternatively you can order copies of this plan from Blackwell’s Mapping, Leeds who can be contacted as follows:

Blackwell’s
21 Blenheim Terrace
Woodhouse Lane
Leeds
LS2 9HJ

**Tel**: 0113 2460483
**Fax**: 0113 2425641
**Email** osleeds@blackwell.co.uk

4. **Details of Your Proposal**

You should provide a “Block Plan” at scale 1:200 or 1:500 showing where the development will be sited on the ground in relation to your existing house and its boundaries. Plans on which you can draw these details can be obtained from the suppliers listed above.

You should also provide existing and proposed “Elevation” and “Floor Plans” drawings. An elevation drawing shows each side of the building as you would view it straight on (i.e. the front, each side and – if free-standing – the rear). The floor plan shows the arrangement of rooms inside the building (one for each floor) and what the rooms are used for. Elevations and floor plans should show the location of windows and doors. These drawings should preferably be at scale 1:100 or 1:50. An example plan can be found at the of this informative.

If you provide drawings which are not to scale then all dimensions will need to be accurately shown for all sides of any development, and floor plans. The size of all windows and doors, width of the building, height to the highest point of the building and height to the eaves will also need to be shown on plans which are not drawn to a scale.

You should also state on the drawings the external materials you are proposing to use for the walls, roof, and fascia boards.
Please note the above plans are NOT TO SCALE and are for Illustration purposes only.