

CONVEYANCING FACTSHEET 6

PLANNING PERMISSION, BUILDING REGULATIONS, CONSENTS AND LISTED BUILDINGS

Planning Permission

It is vital to ensure that a property has planning permission to be used for the use to which it is put. In other words, a house must have planning permission to be a house and a factory must have planning permission to be a factory.

As part of the process of buying a property, we need carefully to check that the relevant consents are in place. Planning consents are often given subject to lengthy conditions. For instance, that the planning permission must be implemented within five years of the grant of the permission and that the property must be connected to mains drainage before it can be lived in. These are just two examples.

It is not just necessary to check what the most recent planning permissions may say as there may be conditions contained in planning permissions granted years ago which still affect the property.

As well as permission for a particular use, planning permission is needed for "development". This can include building an extension, building a house in the garden, or even erecting a garden shed, if it is big enough. There have been cases where people have even needed planning permission for a treehouse. Certain exemptions apply if an extension is no larger than a certain size. Full details will be available from the relevant local authority. Such exemptions will not apply in a conservation area, or if the property is a listed building.

Building Regulations

In order to ensure that building work is carried out to an acceptable standard, you will be required to apply to your local planning authority. Building regulations consent is totally separate to planning permission and may be required when planning permission is not.

Listed Building Consents

Certain properties, usually of historical or architectural interest, are "listed". This means that an additional form of consent called "Listed Building Consent" is required for virtually any alteration to be made to the building.

As an owner of a property it is vital that you should comply with the above requirements and when buying a property it is vital that it is established that all requirements have been complied with. Failure to comply with planning permission, building regulations requirements or listed building requirements can result in a variety of notices being served by the local authority. It is possible for a planning authority to require a certain use to be ceased or indeed a building that has been built without the relevant consents to be demolished.

All planning permissions, building regulation consents and listed building consents (except for the very old ones) are recorded by the local planning

authority and will be revealed by the results of the local search which will be carried out by a buyer. In addition, the seller will be required to declare any works that he has carried out and whether the relevant consent was obtained.

Building Regulations Consents is even required nowadays for replacing windows and (unless the contractor is certified with the relevant governing body) for electrical work.

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