

Development Management Advice Note

WHAT IS THE DIFFERENCE BETWEEN DEVELOPMENT AND BUILDING CONTROL?

This advice note explains the difference between the development control function of planning and the controls found in the Building Regulations. We hope you find this document helpful but you need further information or other documents, details of how to obtain these are given at the end.

INTRODUCTION

We are aware that there is often confusion between the two separate controls of planning and Building Regulations. This is not surprising, as TV programmes and DIY books regularly get the two mixed up. This advice note sets out what the two areas cover and gives general advice on what each piece of legislation allows a householder to do without the need to make an application to us. It is on the issue of when consent may not be needed that the media probably gets it most wrong.

WHAT IS DEVELOPMENT CONTROL?

Development Control is the part of the planning system where the Council regulates the provision of new buildings and other developments, and the change of use of land or existing buildings – it is dealt with by the Development Management section. It does so by making sure that proposed developments meet the requirements for that location, and that type of development, as laid down in the Unitary Development Plan. This Plan helps to match the community's need for uses of land and buildings such as homes, shops, offices, factories and schools, with the need to protect and improve the environment. It tries to balance the conservation of both the built and the natural environment with the provision of development that is necessary for economic prosperity or social need. We also try to make sure, on your behalf, that new development is environmentally sustainable. This means that it meets our present needs without affecting the ability of future generations to meet theirs. The process often involves balancing the needs of the applicant against the possible effect that a development might have on neighbours and other people living or working nearby. The aim of the process is to make the best decision on each application in accordance, where possible, with Government and locally determined timescales.

When is planning permission required?

You usually need to apply for planning permission if you carry out “development”. This is defined in law, but generally it means erecting, extending or altering buildings, and/or changing the use of land or buildings. Advice on whether a proposal is “development” can be obtained from the Duty Planning Officer.

The need for other planning consents

Under the Town and Country Planning Act 1990, and other pieces of planning legislation, there are a number of other activities that may require approval from the Development Management Service. These include:

- Listed building consent for carrying out works to a listed building
- Conservation Area consent to demolish certain buildings in Conservation Areas
- Advertisement consent to display certain advertisements
- Consent to carry out works to a protected tree

These are explained in our advice note 'What Planning Approvals Do I Need For My Proposals?'

What can you do without planning permission?

Not all new buildings or changes of use require planning permission. Planning legislation specifies types of development that do not require a specific grant of planning permission, but which can be carried out as 'permitted development' without the Council's planning approval. The most common of these permitted development rights relate to dwellinghouses, although certain rights also apply to industrial, agricultural and other types of development. Certain changes of use can also be carried out without formal planning permission.

How to obtain advice on whether permission is needed

The legislation relating to what you can do to your house without having to apply for planning permission is very complicated and it is beyond the scope of this advice note to attempt to cover this in any detail. For householders we have developed an interactive 'Householders Guide to Permitted Development' on our website. By answering a series of simple questions you will arrive at the answer. You can also contact the Duty Planning Officer or visit our reception at Sycamore House where we can give you general advice or supply you with a copy of the free government booklets entitled 'Planning: A Guide for Householders' or 'Planning Permission: A Guide for Businesses'.

If, however, you want specific advice from us on a particular proposal we will need further information to be able to advise you. In these circumstances we recommend that you write to us, including plans and details of your proposal, so that we can check the situation carefully before responding. Our advice note 'How Do I Obtain Advice Before I Make An Application?' contains a form to assist householders in supplying us with the information we need. However, because we are not able to make site visits for such inquiries, the advice cannot be definitive. Whilst there is no charge for providing pre-application advice on householder developments, advice on other types of development proposals may be subject to a charge (see details on our website).

If you want a definitive answer there are formal procedures for seeking a legal determination on the need for planning permission. This is done by making an application for a Lawful Development/Use Certificate. More information is contained in our guide 'Applications For Lawful Development Certificates'.

WHAT IS BUILDING CONTROL?

The main purpose of Building Control and the Building Regulations is to protect the health and safety of people in and around buildings. More recently, the welfare and convenience of building users and the conservation of energy have been included.

The Building Regulations set minimum standards for the design and construction of buildings. Building Regulations were first introduced in 1966 and have been added to and amended periodically since.

More information on Building Control and the Building Regulations is to be found in the Government's Building Control explanatory booklet, 'Building Regulations' at <http://www.communities.gov.uk/index.asp?id=1131116>, copies of which are also available in our reception. Guidance notes have also been produced by the Council's Building Control Group, which can be viewed online or in reception.

When is Building Regulations approval required?

You will probably need Building Regulations approval if you plan to carry out any of the following work:

- Build a new building or extend an existing building, unless the building or extension is exempt from the Regulations (see the following section)
- Make structural alterations to an existing building (including underpinning)
- Change the use of a building (in certain cases)
- Provide, extend or alter drainage facilities
- Fit heat-producing appliances (appliances installed by people approved under the Gas Safety Regulations are usually exempt from the Building Regulations)
- Install cavity-wall insulation
- Install an un-vented hot water storage system
- Change, alter or recover a roof
- Install double-glazing (unless you use a FENSA registered glazing company)

What can you do without Building Regulations approval?

The following list gives the more common types of building work, which are exempt from the Building Regulations. The list does not include all exempt buildings and work.

- A detached single-storey building (e.g. a shed) with a floor area less than 15m² which has no bedrooms and:
 - no point of the building is less than one metre from the boundary of its grounds; or
 - the building is mainly built of materials that do not catch fire easily.
- Extending a building by adding:
 - a conservatory, porch, covered yard or covered way; or
 - a carport which is open on at least two sides.

The floor of the conservatory must be less than 30m², must have a translucent roof and whether it is wholly or partly glazed, the glass must meet the requirements of Part N of schedule 1 – (ask us for details).

- Install or replace electrical wiring (though this is likely to change in 2004).
- Repair or replace drainage (except for new drainage or plumbing systems).
- Carry out minor repairs and building maintenance work that does not involve structural alterations or changes in partition or room layouts.

How to obtain advice on whether approval is needed

The Building Control Group will be able to tell you whether you need Building Regulations approval and how to apply. A free explanatory booklet, 'Building Regulations' and other guidance notes are available from our reception at Sycamore House. Further advice can be obtained from Building Control on (020) 8496 6762 or 6763.

FOR FURTHER INFORMATION OR HELP

We hope you find this document helpful. Other documents are available from our reception or our website (addresses at bottom of page). If you need further information please phone Waltham Forest Direct on (020) 8496 3000 or call into our reception at Sycamore House between 9am and 5.15pm Monday to Thursday, or 9am and 5pm Fridays (the offices are closed on Bank and Public Holidays).

A Duty Planning Officer is available for general planning advice between 10am and 4pm Monday to Friday on (020) 8496 3000 or in our reception. If you need further information on the Building Regulations, Building Inspectors are available for general advice between 9am and 10am Monday to Friday on (020) 8496 6762 or 6763, or in our reception.

Interpreting and translation assistance

The Council has prepared this document to assist users of its Development Management Service. If you have any difficulty reading or understanding it because English is not your first language, we will try to help you. Please tick the box, which shows which language you speak, write your name, address and telephone number and return this form, together with the document, to the address given below.

<p>Kansilli e ka pregaditur këtë dokument për tui ndihmuar përdorësve të Shërbimeve të Kontrollit të Zhvillimit. Po patët vështirësi për ta lexuar apo kuptuar sepse Anglishtja nuk është gjuha juaj e parë, ne do të mundohemi t'ju ndihmojmë. Ju lusim shenoni katorrin që tregon se cilën gjuhë e folni, shkruani emrin, adresën dhe numrin e telefonit dhe ktheni këtë formë, së bashku me dokumentin, në adresën e dhënë më poshtë.</p> <p style="text-align: right;">Albanian <input type="checkbox"/></p>	<p>A Junta de Freguesia preparou este documento para assistir os utentes do seu Serviço de Controlo de Desenvolvimento. Se tiver dificuldades em ler ou compreender este documento devido ao inglês não ser o seu idioma principal, nós tentaremos ajudá-lo(a). Assinale o quadrado junto ao idioma que fala, escreva o seu nome, morada e número de telefone e devolva esta folha, juntamente com o documento, para a morada em baixo.</p> <p style="text-align: right;">Portuguese <input type="checkbox"/></p>
<p>لقد أعد المجلس هذه الوثيقة لمساعدة مستخدمي خدمة سيطرة التنمية. وإذا واجهت صعوبة في قراءتها أو فهمها لأن الإنجليزية ليست لغتك الأولى فسنحاول أن نساعدك. الرجاء وضع علامة بالصندوق الذي يبين لغتك وأكمل اسمك وعنوانك ورقم الهاتف وأرسل كامل النموذج مع هذه الوثيقة للعنوان أدناه.</p> <p style="text-align: right;">Arabic <input type="checkbox"/></p>	<p>Dagmada ayaa diyaarisay dukumantigaan si ay ugu caawiso dadka ubbaahan Adeegga Koontaroolka Qorshaynta Dhismaha Magaalada. Haddii aad wax dhib ah kala kulanto in aad fahamto qoraalkaan waayo Ingiriisku maahan luuqaddaada koowaad, waxaan isku dayaynaa in an ku fahamno. Fadlan calaamadi sanduuga muujinaya luuqadda aad ku hadasho, qor magacaaga, ciwaankaaga, taleefoonkaaga, dabadeedna ku soo celi foomka, oo uu lasocdo qoraalkan, ciwaanka hoos ku qoran.</p> <p style="text-align: right;">Somali <input type="checkbox"/></p>
<p>কাউন্সিল এ ডকুমেন্টটি তৈরী করেছে এর ডেভেলপমেন্ট কন্ট্রোল সার্ভিসের ব্যবহারকারীদেরকে সহায়তা করার জন্য। ইংরেজী আপনার প্রধান ভাষা না হওয়ায় এটি পড়তে অথবা বুঝতে যদি আপনার কোন অসুবিধা হয়, তাহলে আমরা আপনাকে সাহায্য করতে চেষ্টা করবো। দয়াকরে আপনি যে ভাষায় কথা বলেন সেই বাস্তব টিক চিহ্ন দিন, আপনার নাম, ঠিকানা ও টেলিফোন নম্বর লিখুন এবং এ ফর্মটি ডকুমেন্টটির সাথে নীচের ঠিকানায় ফেরৎ পাঠান।</p> <p style="text-align: right;">Bengali <input type="checkbox"/></p>	<p>El Ayuntamiento ha redactado este documento para ayudar a los usuarios del "Development Control Service [Servicio de Control del Desarrollo]. Si le resulta difícil leer o entenderlo porque el inglés no es su idioma materno, intentaremos ayudarle. Marque la casilla que indica el idioma que habla, rellene el formulario con su nombre, dirección y número de teléfono y devuélvalo, junto con el documento, a la dirección abajo reseñada.</p> <p style="text-align: right;">Spanish <input type="checkbox"/></p>
<p>区议会政府准备了这份文件来介绍我们的发展控制服务。如果因为英文不是您的母语，您不能读懂这篇文章，我们可以帮您忙。请选择中文，填写您的姓名及地址以及电话号码，并将此文件寄回以下给出的地址。</p> <p style="text-align: right;">Chinese <input type="checkbox"/></p>	<p>Belediyemiz bu belgeyi lÿmar Kontrol Hizmetlerinden yararlananan kimselere yardımçy olmak amacyyla hazyrlamyş.tyr. Asyl diliniz lÿngilizce olmadyğ y iwin bunu okumakta veya anlamakta gÿçlük çekiyorsanız, size yardımçy olmak isteriz. Lütfen hangi dili konuş.tuğç unuzu belirten kutuyu is.aretleyip adyńzy- soyadyńzy, adresinizi ve telefon numaranzy yazdyktan sonra, bu formu belgeyle birlikte as.ayğ ydaki adrese gönderin.</p> <p style="text-align: right;">Turkish <input type="checkbox"/></p>
<p>La Municipalité a publié ce document afin d'aider les utilisateurs de son service de contrôle de développement. Si vous avez des difficultés à le lire ou à le comprendre parce que l'anglais n'est pas votre langue maternelle, nous nous efforcerons de vous aider. Veuillez cocher la case correspondant à la langue que vous parlez, indiquer votre nom, votre adresse et votre numéro de téléphone et renvoyer ce formulaire ainsi que le document à l'adresse figurant ci-après.</p> <p style="text-align: right;">French <input type="checkbox"/></p>	<p>کونسل نے یہ دستاویز اپنی ڈویلپمنٹ کنٹرول سروس استعمال کرنے والوں کی مدد کے لئے تیار کیا ہے۔ اگر آپ کو اسے پڑھنے یا سمجھنے میں کوئی مشکل درپیش ہے کیونکہ انگریزی آپ کی پہلی زبان نہیں ہے تو ہم آپ کی مدد کرنے کی کوشش کریں گے۔ براہ کرم اس خانے پر نشان لگائیے جو آپ کی زبان کی نشاندہی کرتا ہے اور اپنا نام پتہ اور ٹیلیفون نمبر لکھیں اور اس فارم اور دستاویز کو پیچھے دے گئے ایڈریس پر واپس بھیج دیجئے۔</p> <p style="text-align: right;">Urdu <input type="checkbox"/></p>
<p>Name _____ Address _____ _____ _____ Telephone number _____</p>	<p>Return to: Development Management London Borough of Waltham Forest Sycamore House Town Hall Complex Forest Road Walthamstow E4 6PS</p>

Translated by the London Borough of Waltham Forest Interpreting and Translation Service

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