

Development Management Advice Note

WHAT PLANNING APPROVALS DO I NEED FOR MY PROPOSALS?

Before you start work, make sure that you have obtained any planning permission you need. The different types of permission are outlined in this advice note. A separate advice note gives guidance on other types of consent that may be required before you carry out work (e.g. Building Regulations approval). We hope you find this document helpful. If you need further information or other documents, details of how to access these are given at the end of the advice note.

PLANNING PERMISSION

You generally need to apply for planning permission if you intend to carry out “development”. This is defined in law, but in broad terms it means erecting, extending or altering buildings, and/or changing the use of land or buildings. General advice on whether a proposal is “development” can be obtained from the Duty Planning Officer (tel. 020 8496 6876).

If you need to make an application you need to obtain the appropriate application form(s) and the guides, which are available from our website and reception at Sycamore House.

Permitted development

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 formal permission from the Council. The most common of these permitted development rights relate to dwellinghouses, although some also apply to industrial, agricultural and other types of development. Certain changes of use also constitute permitted development and do not require formal planning permission.

The best way to find out whether your proposal needs planning permission depends on how complicated the issue is. For more information on how to do this, please see our advice note: ‘How Do I Obtain Advice Before I Make An Application?’

LAWFUL DEVELOPMENT CERTIFICATES

The previous section explains how to get advice, but if you want a definitive answer about whether you need planning permission there are formal procedures for seeking a legal determination on the need for such permission, i.e. submitting an application for a Lawful Development/Use Certificate. A certificate is a wise safeguard and can be very useful if you ever decide to sell your property.

There are essentially two types of certificate: Section 191 (of the 1990 Planning Act) certificates for existing developments and Section 192 certificates for proposed developments. These certificates can be very useful as they give a definitive decision on the need for planning permission.

If you need to make an application you should obtain the appropriate application form and the guides, which are available from our website and reception at Sycamore House.

LISTED BUILDING AND CONSERVATION AREA CONSENT

You will need to apply for listed building consent if either of the following cases apply:

- You want to demolish a listed building
- You want to alter or extend a listed building in a manner that would affect its character as a building of special architectural or historic interest

You may also need listed building consent for any works to separate buildings within the grounds of a listed building. You do not need listed building consent for the erection of new buildings in the curtilage of a listed building. These will require planning permission only.

If you live in a Conservation Area, you will need Conservation Area consent for the demolition of most non-listed buildings. However small, unlisted, buildings with a volume of less than 115 cubic metres and some gates, fences, walls or railings may be demolished without consent.

Permitted development rights have been removed in Conservation Areas in Waltham Forest, by Article 4 Directions. Planning permission will therefore be required for many works that would normally be exempt from the need for planning permission. Check the position carefully with us - it is a criminal offence to carry out work that needs listed building or conservation area consent without obtaining the relevant consent beforehand. It is therefore very important that you do NOT proceed to carry out such works without first having obtained the necessary consent. We will be able to confirm to you whether a building is listed or is in a Conservation Area if you are not sure. Do not forget that you may also need planning permission for your proposal.

If you need to make an application you should obtain the appropriate application form(s) and guide, which are available from our website and reception at Sycamore House. For specialist advice on listed building or Conservation Area matters please contact the Council's Conservation Officer on (020) 8496 6737.

CONSENT TO DISPLAY AN ADVERTISEMENT

You may need to apply for advertisement consent to display an advertisement on the front of, or outside, your property. The government's free booklet, 'Outdoor Advertisements and Signs: A Guide for Advertisers' contains useful advice and is available from our reception at Sycamore House.

Please note that it is a criminal offence to display an advert that requires our consent without first receiving that consent. It is therefore very important that you do NOT proceed to carry out such works without first having obtained the necessary consent.

If you need to make an application you should obtain the appropriate application form and the guides, which are available from our website and reception at Sycamore House.

WORKS TO A PROTECTED TREE

Many trees are protected by Tree Preservation Orders which means that, in general, you need the Council's consent to prune or fell them. In addition, there are controls over most trees in Conservation Areas. A free government leaflet, 'Protected Trees: A Guide to Tree Preservation Procedures' should assist you and is available from our reception at Sycamore House.

Please note that it is a criminal offence to carry out works (or to cause or permit such works) to any tree that is protected by a Tree Preservation Order or is in a Conservation Area, without the Council's prior consent. It is therefore very important that you do NOT proceed to carry out works to trees subject of a Tree Preservation Order, or in a

Conservation Area, without first having obtained the necessary permission. Unlike some other types of planning permission, there is NO provision for retrospective applications. We will be able to confirm to you whether a tree is protected by a Tree Preservation Order or if it is in a Conservation Area, if you are not sure.

If you need to make an application you should obtain the appropriate application form and the guide, which are available from our website and reception at Sycamore House. For specialist advice on trees please contact the Council's tree section in the Green Space Service on 020 8496 2821 or 2819.

DEMOLITION OF BUILDINGS

The need for consent to demolish a listed building or to demolish a building in a Conservation Area has been covered above.

The planning definition of development includes the demolition of buildings. However, it is not necessary to obtain formal permission for most demolition, with the exception of the demolition of houses or flats, or buildings adjoining houses or flats. Planning permission will not be needed:

- to demolish a domestic building such as a garage or shed of less than 50 cubic metres;
- if the demolition is urgently necessary for health and safety reasons;
- if the demolition is required under other legislation;
- where the demolition is on land which has been given planning permission for redevelopment; or
- to demolish a gate, fence, wall or other means of enclosure around a house or flat(s).

In all other cases the Council may wish to agree the details of how you intend to carry out the demolition and how you propose to restore the site afterwards. You will need to apply for a formal decision on whether the Council wishes to approve these details. This can be done by submitting a 'prior approval application'. If you need to make an application you should obtain the appropriate application form and guide, which are available from our website and reception at Sycamore House.

HAZARDOUS SUBSTANCES CONSENT

Since the coming into force in June 1992 of the Planning (Hazardous Substances) Act 1990, the presence on, over or under land of any hazardous substance in excess of the controlled quantity has required consent from the Hazardous Substances Authority: London Borough of Waltham Forest. The Secretary of State has power to specify the control figures, and to carve out exceptions from control. These are found in the Planning (Hazardous Substances) Regulations 1992. The forms, certificates and notices for these applications are also contained in these Regulations. They are available from The Stationery Office or via our website.

FOR FURTHER INFORMATION OR HELP

We hope you find this advice note helpful. As mentioned above, relevant documents are available from our reception or our website. If you are thinking of carrying out a development, it is recommended you look at 'What Non-Planning Approvals Do I Need?' and the 'Householder Guide'. If you need further information please phone Waltham Forest Direct on (020) 8496 3000, or call into our reception at the 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 6876 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 tju 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 sanduuqa muujinaya luuqadda aad ku hadasho, qor magacaaga, ciwaankaaga, taleefoonkaaga, dabadeedna ku soo celi foomka, oo uu lasocdo qoraalkaan, 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 ফরমটি 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 lymar Kontrol Hizmetlerinden yararlanana kimselere yardymcy olmak amacyyla hazırlamys.tyr. Asyl diliniz lnyngilizce olmadyg y için bunu okumakta veya anlamakta gçllyk çekiyorsanyz, size yardymcy olmak isteriz. Lütfen hangi dili konus.tugç unuzu belirten kutuyu is.aretleyip adynzy-soyadynzy, adresinizi ve telefon numaranzy yazdyktan sonra, bu formu belgeyle birlikte as.agç 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۔ براؤکرم 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 نیچے دئے 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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