

Advice for planning applicants and developers

What this guide is about

This guide provides advice for applicants and developers regarding the requirements for planning permission.

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1. Do I need permission?

Many types of minor works are deemed 'permitted development' and do not require the submission of a planning application.

The Planning Portal provides extensive advice on its website at:

https://www.planningportal.co.uk/info/200125/do_you_need_permission

The Planning Portal enables applicants and developers to self-serve and where possible avoid waiting times for advice from local planning authorities. The webpage includes written guidance on permitted development based on project types and details of your responsibilities in relation to other consents and permissions that may be needed. Additionally, there are guides and interactive features to provide further visual guidance to applicants and developers.

Some areas of the City have had their permitted development rights removed by way of either an Article 3 or Article 4 Direction.

Article 3 Directions take the form of a condition on a planning permission which restricts further extensions, alterations or uses. To check on such conditions you can search our Planning Database and view the Decision Notices relating to the property of interest.

LCC's Planning Database can be viewed at:

<http://rcweb.leicester.gov.uk/planning/onlinequery/mainsearch.aspx>

Article 4 Directions apply to a group of properties and often cover a large area, and are most frequently, but not always, used in conservation areas. They usually remove rights to make minor alterations to houses, including the replacement of doors and windows.

Details of Article 4 areas can be found on the Council's website at:

<https://www.leicester.gov.uk/planning-and-building/planning-applications/make-an-application/article-4-directions/>

The Department for Communities and Local Government have also produced a technical guidance document which provides further information regarding the permitted development rights for householders.

Permitted development rights for householders: technical guidance can be found at:

<https://www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance>

If you are still unsure as to whether permission is required for your project, you can submit a permitted development enquiry to the Planning Team.

Permitted development enquiries should be sent via an online form at:

<https://my.leicester.gov.uk/>

You can create an account to save your details for future enquiries or continue without an account. Select the form by clicking *Planning and licensing > Planning > Pre-planning enquiry – do I need planning permission?* and complete the information as prompted.

NOTE: Any advice received through this process is informal, based only on the information provided and no guarantees can be given.

2. I need permission – what do I need to submit?

Once it has been established that you require permission, you will be required to submit an application form and relevant supporting documents to the Local Planning Authority (LPA) for consideration. There are a number of different application types depending on the permission or consent required.

Advice on application types can be found on the Planning Portal website, at:

https://www.planningportal.co.uk/info/200126/applications/60/consent_types

Some application types are currently unavailable for submission online. The above webpage provides full details of these and a link to download a PDF form to manually complete.

The Council is currently reviewing its Local Validation List requirements; however, the previously adopted 2013 list can be used for guidance in the interim.

The Local Validation List is available at:

<http://www.leicester.gov.uk/planning-and-building/planning-applications/make-an-application/>

To gain planning permission all proposed development should accord with the aims of National Planning Policy and the Council's adopted Local Plan, unless clear justification can be provided for the contrary.

National Planning Policy Framework can be found at:

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

National Planning Practice Guidance can be found at:

<https://www.gov.uk/government/collections/planning-practice-guidance>

LCC's Local Plan can be found on the website, along with a suite of Supplementary Planning Documents and Guidance at:

<https://www.leicester.gov.uk/your-council/policies-plans-and-strategies/planning-and-development/local-development-framework/>

These documents provide information and guidance regarding a variety of issues including parking standards, residential amenity and tree protection.

Guidance on how to apply for planning permission can be found on the Planning Portal website at:

https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply

Applications can be submitted through the Planning Portal website at:

<https://1app.planningportal.co.uk/Form/StartPlanningApplication>

3. I have submitted my application – what happens now?

Once we have received your application we will acknowledge receipt and inform you if we consider the application to be valid. If the application is considered to be invalid, we will outline what additional information is required from you. Once all the information and appropriate fee have been received, the application will be processed by the LPA.

A flow chart diagram and details regarding the decision making process are outlined on the Planning Portal website at:

https://www.planningportal.co.uk/info/200126/applications/58/the_decision-making_process

Depending on the complexity of the proposals and the level of public interest, the application will either be dealt with by delegation or be referred to the Planning and Development Control Committee (PDCC) for determination. If your application requires consideration by the PDCC, you will be informed and given further details of the process.

4. Do I need to do anything after I've received my planning decision?

Discharging Planning Conditions on Planning Permissions Granted

Planning permissions are usually subject to conditions which either control the use or require certain things to be done before the development is commenced or occupied.

From April 2008, a statutory national fee was introduced for applications to discharge conditions and needs to be received before we will begin consideration of the submission. It should be noted that the fee is per request, not per condition, so you may wish to submit details for multiple conditions in one go.

Details of current fees can be found on the Planning Portal website, at:

https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply/7

Requests for discharge of conditions can be made through the Planning Portal in the same way as the original application, using the "Approval of details reserved by condition" form. Your application must include all the details needed to check whether a condition can be discharged or is complied with. These could be details of materials, specifications, plans or a written statement detailing what has, or will be done to comply with the condition.

The length of time required to provide a response to your request will depend on the complexity of the matters to be considered and whether or not consultation with other departments/agencies on the submitted details is required. However, a response will be provided within 12 weeks. If the details are insufficient or unacceptable you would then need to resubmit new proposals for compliance which would incur a further fee.

Failure to discharge conditions correctly can invalidate a planning permission rendering the site without the benefit of consent. It could lead to formal enforcement action by the Council. Failure to comply with conditions can lead to the service of a Breach of Condition Notice (BCN) with a maximum fine of £1000 and against which there is no appeal.

Non-material Amendments to Planning Permissions Granted

Following a grant of planning permission, it is sometimes necessary to make small amendments, for example moving a door or window. Whether or not such amendments are non-material will depend on the circumstances of each case. For instance, moving a window could be material if it results in the overlooking of a neighbour, but could be non-material if it does not. It is intended for this formal process to remove the need for entirely new applications where only a very small change is sought. Applications for non-material amendments can be made through the Planning Portal on the appropriate application form.

Details of current fees can be found on the Planning Portal website, at:

https://www.planningportal.co.uk/info/200126/applications/59/how_to_apply/7

Appeals against a Planning Decision

Only the person(s) who made the planning application have the ability to appeal the decision. As the applicant you may appeal to the Planning Inspectorate against the following:

- A planning refusal
- Conditions applied to a planning consent
- Non-determination (if the council has not determined your application within the statutory period)

Further details about appeals and the appeal process can be found on the Planning Portal website, at:

<https://www.planningportal.co.uk/info/200207/appeals>