

# **Barker, Son & Isherwood LLP**



## **TOWN & COUNTRY PLANNING**

Town & Country Planning Legislation affects each and every one of us, as individuals and commercial concerns both directly and indirectly. There are controls which affect use of land for supply of food, services, commerce, recreation, shopping and industrial concerns of all types. As there are changes in society then the need for the reasoning behind Town & Country Planning must change with the requirement to resolve the conflicts which arise in a developed society.

### **PLANS**

There is a duty on a Local Authority for the preparation of plans and policies which will underpin and form the basis of all planning decisions. A structure plan must be prepared which should concentrate housing, the rural economy, urban and industrial developments, transport, minerals, waste treatment and disposal, land reclamation and other matters.

A local planning authority must prepare a structure plan and to give consideration to key land use issues taking into account all relevant policy guidance notes issued by central government.

District wide local plans are prepared by districts within each county planning authority. A local plan must be prepared within the overriding structure plan parameters and must be in conformity with it. The local plan is a more detailed indication of the broad policies contained in the structure plan and they focus down on smaller areas of the land use which is considered in more detail.

### **DEVELOPMENT**

Development is defined under legislation as:

“The carrying out of building, engineering, mining or other operations in, on, under or over land or the making of any material change in the use of any buildings or other land”.

When land is acquired for development or otherwise land use and current consents in respect of the property is extremely important. A developer will wish to ensure what it may do with the land; all commercial concerns however large or small must be satisfied that they are carrying out their legitimate business lawfully and within the terms of consents granted. In addition any purchaser of land will want to know the way in which any subject land is likely to be viewed in the future for the purposes of a possible development.

Certain works can be carried out which are not classed as development. However, certain alterations in terms of building or land use definitely comes within the definition of development and, therefore, will need planning consent. It is up to the owner or occupier of land and/or buildings to be clear for what purposes the land or buildings can be used and to make sure that all proper consents exist at all times.

**USE CLASSES ORDER**

The Use Classes Order (UCO) places groups of uses together (known as “Classes”) and enables owners and occupiers of land to change from one use to any other provided the use remains within the particular “Class”. In those circumstances there is no need to obtain planning consent. Freedom to use the land does not include any building or other operations that might need planning consent.

There are eleven UCOs ranging from shops through financial and professional services/food and drink/business/industrial etc

**PLANNING APPLICATIONS**

Each local planning authority produces its own planning application forms. A well prepared planning application will help the process which the applicant is seeking. A decision must be made as to whether an application should be outline or a full application. There are procedures whereby the local planning authority will consider the application and time scale supply.

**PLANNING APPEALS**

When the local planning authority has come to a decision on the application the applicant has the right to challenge that decision, such challenge being in the first instance the Secretary of State.

Planning appeals can be dealt with in different ways initially to be decided by the applicant. Appeals can be dealt with by a “hearing” or by “written representations”.

When the process has been exhausted there are further steps that can be made to legally challenge a decision of the Secretary of State by reference to the Courts.

As established Solicitors in the town Barker, Son & Isherwood have been involved in advising clients at all stages of the planning process for many years. Our extensive local knowledge and access to surveyors, planning experts and barristers of the highest calibre all contribute to enable us to provide a full planning service to all clients. If you have any query about the use of any land or buildings for particular purposes then early study of the problem can avoid problems at a later stage.

Planning law relates also to areas involving advertisements, minerals and waste disposal, compulsory and purchase and compensation together with all aspects of Environmental Law.

**For further information contact .....**

**Freefone 0800 376 5055**