

What to do with your Residential Permitted Development

Permitted development (PD) rights to convert your building to residential use (e.g. Class Q) means that you have permission for a new dwelling which ordinarily would need a full planning application, and in some instances would not normally be possible. It is only the beginning of the process to create the dwelling, but it is a vital step. The next stage is to decide what you want to do next and how to do it. First of all you need to understand what you have got. Permitted development rights allow you to convert the building to a dwelling within specific rules. These rules are simple, but at the same time open to wide interpretation. To protect your investment you need to be sure that what you propose is within terms of the legislation (i.e. Class Q).

There are essentially three options to proceed; sell the building with PD rights, convert your PD rights in to a planning permission or get on with the building conversion.

Selling the building is fairly straightforward but you need to be realistic in your valuation; bear in mind that you are selling a building plot with effectively outline permission and the value needs to reflect that. You should also be prepared to be patient with potential purchasers, who may be unfamiliar with the nature of PD rights and have been advised to be cautious by legal and financial advisors.

A full planning permission would give you much more flexibility in how you carry out the works and could include extensions and modifications to the existing building which are not allowed under PD rights. A full consent will also change the time constraints of the development. You will need to be aware that this is significantly more expensive and time consuming than the PD process; you will potentially need full design drawings and supporting information about contamination, ecology (e.g. bats), highways, flooding and the like. You should also be aware that some local authorities will still only consider your application in the context of a conversion from an agricultural building, although this is changing slowly.

Start building will mean getting to grips with the Construction (Design and Management) Regulations 2015 (CDM 2015) which are designed to make construction sites as safe as possible. More information is available in our Information Sheet 7. Not complying with CDM 2015 is a criminal offence.

You also need to apply for building regulations approval. Building regulations are concerned with making sure the dwelling is safe to live in and meets government targets for using resources.

As an example, the regulations are concerned with whether a door needs to resist fire but not if it is made of oak or cardboard. Usually a building regulations application will be submitted with annotated drawings detailing technical



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information (based on the planning drawings) and an energy performance calculation. The application process is different to planning in that there is an assumption that you will get approval and the assessor will work with you to make sure that the details are correctly specified.

You may need to agree a design prior to making your building regulations application, depending on how much information you have already provided through the planning process. The design process will be more detailed than needed under the PD application and may draw out problems with the conversion. Working within the PD application rules you will need to develop the best possible scheme with your designer to suit the conversion of the building. You will not be able to extend the building and some authorities will not allow the insertion of a second floor so this may limit what you can achieve.

Many building contractors will be happy to build your house based on the building regulations drawings but there are still a lot of decisions to make and you will need to decide who will make them and when they need to be made. You can make all the decisions yourself (working with your builder or designer), you can let your builder or designer make the decisions for you or you can combine the process between the parties.

You will need to enter into a contract with your builder; this can vary from a verbal agreement to bespoke documents created for you by a solicitor. There are excellent standard forms of contract written with you in mind by, for example, the Joint Contract Tribunal and the RIBA. Your contract should ideally include agreement on exactly what is being built as well as payment terms, programme of works, insurance and how to deal with changes. The contract can be based on the planning drawings, the building regulations drawings or a full set of construction drawings.

A full set of construction drawings will include details of how the house will be built and will include all the elements of the house and how they come together. They may include a specification which includes detail down to the size and number of screws to be used to fix a door frame and schedules listing colours of paint in various rooms.

The amount of information you include in the contract will influence the accuracy of the builder's pricing and the number of choices you still have to make. You may also wish to employ someone to work with the builder on your behalf to ensure that he is doing what you have asked him to and deal with anything that crops up during construction which is unexpected.

Once the dwelling is completed you may want to make a planning application to extend or modify the building, extend the residential curtilage or add a garage. A full application will be required for any new building work because permitted development rights are removed as part of the change of use prior approval regimes.

Acorus can help you throughout the process following planning consent with whichever route you choose to complete your residential conversion.



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