

The Victory Plan

planning permission on development that works



V₇

**Permitted Development
And
Prior Approval**



The Victory Plan

planning permission on development that works



A Brief Introduction

**“The UK Planning
System is an
approval
machine, we just
need to learn how
to operate it!”
Jonathan
McDermott .**



Who is Jon McDermott

2002 - 2025 (23 Years) Practice experience

Chartered Town Planner (MRTPI)

Fellow of the Royal Geographical Society
(FRGS)

Accredited CPD Trainer

Planner 1st - Active planning consultant (40+
active cases)

Educator 2nd - Teaches Planning

Ethical Developer 3rd - I do a little bit!

Writes for YPN



Jonathan McDermott BSc MA MRTPI FRGS

Principal Town Planner

TPX

Town Planning Expert Group

Established in 2012

The GP's of the Planning World

We cover England!

Chartered Planning Practice (2 Chartered
Town Planners)

Accredited CPD Training Organisation

Ethical Developer

We have helped over 1000 businesses with
their development proposals

90% success rate on planning proposals (all
modes)



VICTORY is a CPD Accredited Programme

In order to gain accreditation from our partners at The CPD Group we have taken the exhaustive steps of submitting the organisation as a CPD Accredited Training Provider

The Author and Trainer on this Course, Jon McDermott, as a CPD Accredited Trainer.

And, finally, the programme was submitted for its own CPD Accreditation which it gained in September 2022.

On completion of this programme you will be issued with 8 hrs of CPD Credits



**ACCREDITED
PROVIDER**
#778087



**ACCREDITED
TRAINER**
#405050

Verify @ <https://thecpdregister.com>



**ACCREDITED
ACTIVITY**
08 Credit Hours
#1011705

Verify @ <https://thecpdregister.com>

What does CPD mean for you?

If you're a professional:

Professional's like me need to do a basic amount of CPD every year. For Chartered Town Planners it is 12 hours every year or 24 hours in every 2 years.

This Course is credited for 8 hours meaning if your a professional within a related discipline you should be able to claim this course against your CPD requirements.



If you're not professional:

Having a CPD Accredited Activity means that the course you are undertaking has been independently checked and audited for quality and assurance.

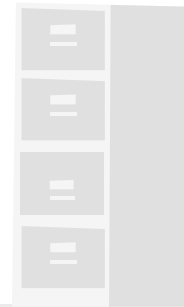
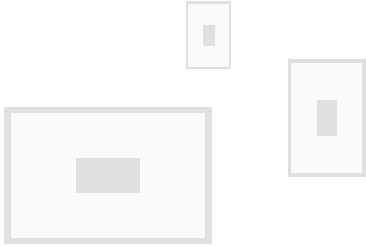
The CPD mark acts as a standard for education activities away from a formal education setting like a College or University

What VICTORY is all about!

VICTORY has been developed using our considerable knowledge and experience to put together a easy framework that will allow you to use the English Planning System to get planning permission.

It is to enable developers get the best out of the planning system but at the same time to avoid some if not all of the common pitfalls when approaching a development project from a planning perspective.

VICTORY follows our Education First principles which means that it is an all in self contained programme which gives you everything you need to assess planning prospects with a planning state of mind!



So what is the **VICTORY** plan

Developed following some 22 years of watching developers as a Chartered Town Planning Practice in order to avoid common mistakes and pitfalls.

Developed to focus your attention on your core development strategy and to avoid new developers syndrome.

A 7 step approach to development site analysis that can be applied on any site in the UK and works with all 4 discrete planning systems.

V - Verify - Are you doing something that is allowed by national or local legislation

I - Intelligence - History of the application site

C - Comparables, does the development stack - has it been done before

T - Team - assemble your power team

O - Options - Where is your escape, have more than 1

R - Reality - what can the site actually deliver

Y - You - Make sure you are passionate and proud of what you are doing

Here is what you get on a Victory Day

- 8hrs CPD accredited training with a certificate of completion.
- A complete guide to our VICTORY Process
- The 200+ Page VICTORY workbook (only issued as part of the course)
- Access to the VICTORY Alumni Whatsapp Group which provides continued support just for participants on the VICTORY programme.
- No further up-sell. The Course is Self Contained.
- Oh and Lunch is also included! (Apparently that surprises people)

£500.00 inc VAT

**Book at
www.tpexpert.org/victory**

O is for Options

Time to Pack a Parachute



**“Every person
should have their
escape route
planned.”**

Simon Pegg



O is for Options

Options in a planning process is about having your exits covered and knowing that if your primary development strategy does not work you can exit the deal or the development in the correct way.

Having multiple exits per development and importantly knowing how to switch between them is critical for development planning.

If planning permission is unsuccessful how do you change tracks quickly in order to execute a development on the site or more importantly walk away from the deal without losing money?

V : Verify

Is what you want to do allowed in either the National Planning Policy Framework or the Local Plan? Check both and ensure there are no show stoppers

I: Intelligence

Check the Planning History of the site to ensure that this development has not been tried before

C: Compare

Check the surrounding area using the Nimbus (or Local authority) Planning History Search. Has the development you are seeking been done before? What are your comparables

T: Team

Who is in your power team? do you have a planner, architect, builder, project manager and/or JV Partner/Funder?

O: Options

Is the development sought Permitted Development or could it be made to be Permitted Development with a few tweaks?

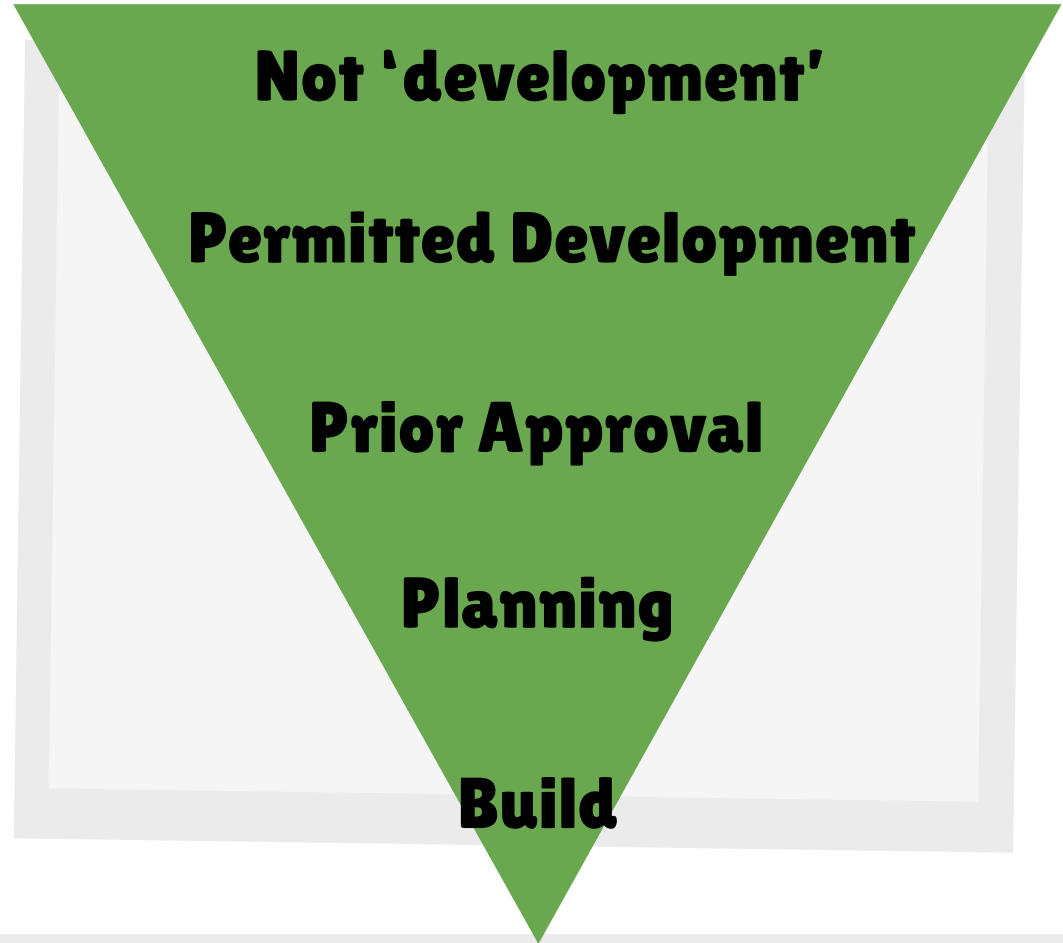
R: Reality

What are the site specific constraints? Are you in an AONB, Greenbelt, Article 4 area, National Park?, Is it in a flood zone?. Is it a listed building or in a Conservation Area?

Y: You

Is the development aligned with your development strategy? will it get you to where you want to be?

**There are 5 key
development
Levels**



Work to property can be 'not development' and therefore not need planning permission at all.

Reminder: The definition of development is set out in law within S55 of the 1990 Town and Country Planning Act.

Works such as Back to Brick Refurb and Conversion of a Flat from a 1 bedroom flat to a 2 bedroom flat by reconfiguring an interior fall outside the definition of development as long as there are no conditions on a previous planning approval and as long as the building is not a Listed Building or Scheduled Ancient Monument.

The 'Not Development' option should be the 1st parachute you consider. How do I exit the deal without touching a planning application.

Not 'development'

Permitted Development

Prior Approval

Planning

Build

Class A1 Shops
Class A2 Financial and professional services
Class A3 Restaurants and cafés
Class B1(a) Offices
Class B1(b) Research and development of products or processes
Class B1(c) Industrial processes compatible with a residential area
Class D1 Clinics and Health Centres
Class D1 Crèches and Day Nurseries
Class D1 Day centres
Class D2 Gymnasiums or area for indoor sports and recreations
(excluding swimming pools and skating rinks)



Class E

Class D1 Education, Art Gallery, Museum, Public Library, Public Reading Room, Public Hall, Exhibition Hall, Place of Worship, Law Court



Class F1

Class A1 Shop mostly selling essential goods, including food, which is less than 280 metres square where there is no other such facility within 1000 metre radius of the shop's location.
Class D2 Hall or Meeting Place.
Class D2 Place for outdoor sport or recreation, not involving motorised vehicles or firearms, an indoor or outdoor swimming pool or skating rink.



Class F2

Class A4 Public Houses, Wine Bars or other drinking establishments
Class A5 Hot Food Takeaways
Class D2 Cinemas, Music and Concert Halls, Bingo and Dance Halls.



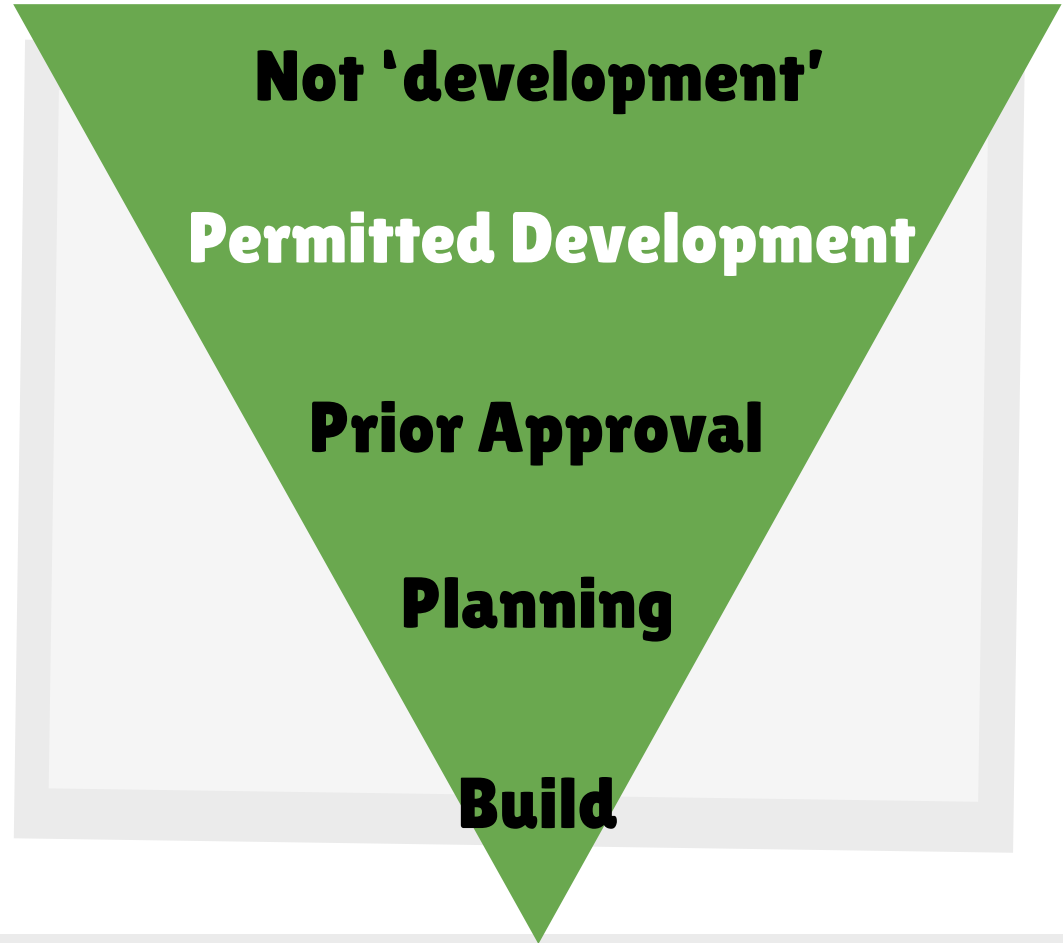
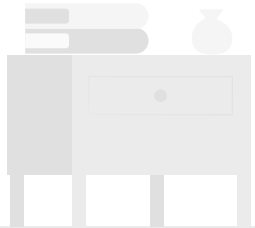
Sui-Generis



Basic Permitted Development Allowances are there to allow smaller scale developments to be carried out without the benefit of full planning permission.

Permitted development is a good 'starter' form of development for new property developers as it gets to the build phase quickly.

What you can presently do as permitted development is limited as is the net improvement to the value of the property.



Permitted Development?

Permitted development is not an immunity from planning control but a PLANNING PERMISSION in its own right granted unilaterally by a development order.

A Deemed Planning Permission!

S57(3) Town and Country Planning Act 1990

Development permitted by the Secretary of State.

Various uses have different allowances

Can involve building work

Can involve a change of use



Some restrictions

Generally though that it doesn't apply in National Parks, Conservation Areas, Listed Buildings, SSSI's or Explosive Hazard Areas although there are notable exceptions!

No one permitted development allowance is similar

Councils can remove rights through Article 4 Directions

Council's can remove rights on properties through planning conditions



Article 2(3) Land

Defined as:

1. Land within–
2. (a)an area designated as a conservation area under section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (designation of conservation areas);
3. (b)an area of outstanding natural beauty;
4. (c)an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)(1);
5. (d)the Broads;
6. (e)a National Park; and
7. (f)a World Heritage Site.



Important Differences

A straight permitted development right does not require you to notify the Council

A Prior Notification permitted development right includes a condition requiring the PN process

Prior Notification

=

Before you start work

Reading a Right

What is allowed

What is not allowed

Conditions of use

Class C – other alterations to the roof of a dwellinghouse

Permitted development

C. Any other alteration to the roof of a dwellinghouse.

Development not permitted

C.1 Development is not permitted by Class C if—

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P or Q of Part 3 of this Schedule (changes of use);
- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;
- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or
- (d) it would consist of or include—
 - (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

Conditions

C.2 Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

Classes A to E of Part 1 Schedule 2 GPDO 2015

- A = Extensions
- B = Roof Alterations
- C = Velux Windows
- D = Porches
- E = Outbuildings



Classes A to E of Part 1 Schedule 2 GPDO 2015

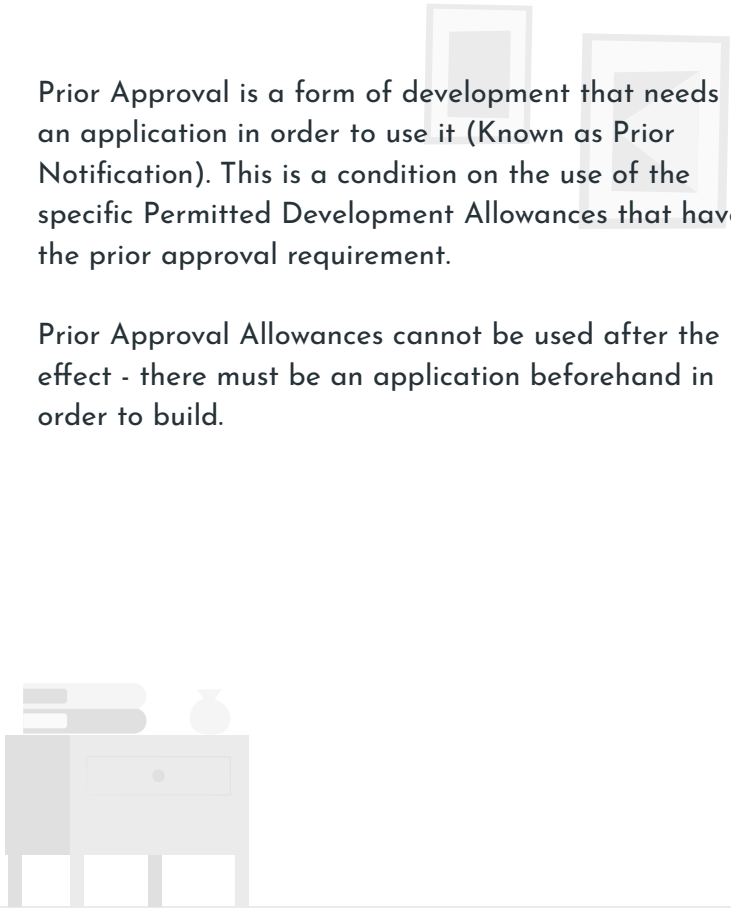
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Class L1 and L2

Small HMOs (Between
3-6 People) to
dwellinghouses and vice
versa





Prior Approval is a form of development that needs an application in order to use it (Known as Prior Notification). This is a condition on the use of the specific Permitted Development Allowances that have the prior approval requirement.

Prior Approval Allowances cannot be used after the effect - there must be an application beforehand in order to build.



Not 'development'

Permitted Development

Prior Approval

Planning

Build

For houses prior approval provides for the following:

Class A Part 1- enlargement of a house by construction of a large rear extension (Proposed to be altered substantially in 2023/24)

Class AA Part 1 - enlargement of a dwellinghouse (not HMO's) by construction of additional storeys (Proposed to be altered in 2023)

Class AC Part 20 - new dwelling houses on terrace buildings in use as dwellinghouses (Proposed to be altered in 2023)

Class AD Part 20 - new dwelling houses on detached buildings in use as dwellinghouses (Proposed to be altered in 2023)



For commercial change of use prior approval provides for the following:

Class G Part 3 - Commercial, Business and Service Use to a mixed use with up to 2 flats

Class M Part 3- Takeaway to Residential

Class MA Part 3 - Commercial, Business and Service Uses to Residential

Class N Part 3 - Class N - an amusement arcade or centre, or a casino to residential

Class Q Part 3 - agricultural buildings to dwellinghouses

Class R Part 3 - agricultural buildings to a flexible commercial use



Changes to Permitted Development

Alterations to Class MA - In force NOW!

Class MA – Retail, Business and Commercial to dwellings

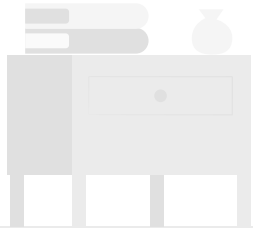
Class MA updated to allow an unlimited area to be developed

3 month waiting period for vacancy removed without replacement.

Both have been seen as unneeded brakes on the allowance and have been abused by LPA's

It is a general removal that applies to all of Class MA

Allows you to go back and 'double dip' on a building that has already used the older allowance but left some floorspace behind.



Changes to Permitted Development

Agriculture to Resi - In force NOW!

Class Q – Agricultural to Residential

This closes an obvious mathematical loophole that broke the 465sqm/5 unit ceiling

The provisions also open the door for agricultural buildings that were agricultural but are no more

The 10 year use provision still applies but with a new starting date of 24th July 2023

The maximum floorspace for any dwelling created is now 150sqm

The maximum number of dwellings is now 10. Provisions in this respect also allow developers to return to previous Class Q sites if there is the floorspace within other buildings to do it.

The maximum cumulative floor space of dwellinghouses including any extensions is 1,000 square metres,

Extensions are allowed but are heavily restricted

In addition the requirement that the building must have suitable existing access to a public highway is imposed to reinforce the need for safe access to these agricultural sites.



Changes to Permitted Development

Agriculture to Commercial - In force NOW!

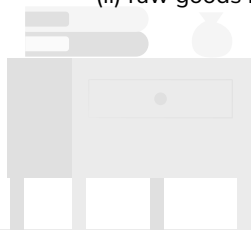
Class R (Agricultural to Commercial uses) is amended to incorporate

Class B2, Class B8, Class C1 (hotels), Class E (commercial, business or service) or Class F.2(c) (outdoor sport or recreation); or for the provision of agricultural training.

The floor area under Class R is increased to 1,000 square metres to match the amendments within Class Q.

Finally the Class B2 (General Industrial Use) is limited to the processing of—

- (i) raw goods, excluding livestock, which are produced on the site and are to be sold on the site, or
- (ii) raw goods mentioned in paragraph (i) together with goods ancillary to the processing of those raw goods.




For the construction of new dwellings on existing buildings prior approval provides for the following:

Class A Part 20 - New dwelling houses on detached block of flats. (Proposed to be altered in 2023)

Class AA Part 20 - New dwelling houses on detached buildings in commercial or mixed use (Proposed to be altered in 2023)

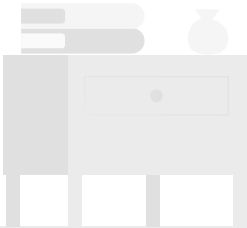
Class AB Part 20 - New dwelling houses on terrace buildings in commercial or mixed use (Proposed to be altered in 2023)





For demolition of an existing building and
construction of a new building:

Class ZA Demolition of detached buildings and
construction of new dwelling houses in their place
(Proposed to be altered in 2023)



Class BC - temporary recreational campsites.

This new allowance builds on the former 28 day temporary change of use of land provisions to provide for a discrete allowance on ANY land for the provision of a temporary residential campsite for up to 60 days. The allowance provides for no more than 50 pitches and any moveable structure reasonably necessary for the purposes of the permitted use. This can include a movable toilet block, movable shower block, or movable office.

The provision of ANY land excludes the logical places that you would not want to see a campsite.

Active NOW!



Getting your stacking right!

Classes A-E for Householder Extensions and Class L(2) for an HMO Conversion can be used together as long as it is in the correct order.

Classes A-E cannot be used if they facilitate a change of use.

Therefore if you NEED a large dormer window to provide the third bedroom in an HMO you need to build the dormer first under Class B and then apply for the Change of Use

If, however, the dormer would provide for bedrooms 4, 5 or 6 and the Change of Use can happen without the dormer then you can use Class B (dormer windows) and Class L2 (House to HMO together and at the same time.

Ordering and stacking is Everything!



Getting your stacking right!

Class MA and Class AA Can be used together as long as it is in the correct order.

Class MA then Class AA will fail restriction AA1.(ZA) which states:

AA.1. Development is not permitted by Class AA if– (za)the permission to use the building as a dwellinghouse has been granted only by virtue of Class MA of Part 3 of this Schedule.

However Class AA then Class MA does not foul of the condition and so can be done, in that specific order.

Ordering and stacking is Everything!



So what is the **VICTORY** plan again?

V - Verify - Are you doing something that is allowed by national or local legislation

I - Intelligence - History of the application site

C - Comparables, does the development stack - has it been done before

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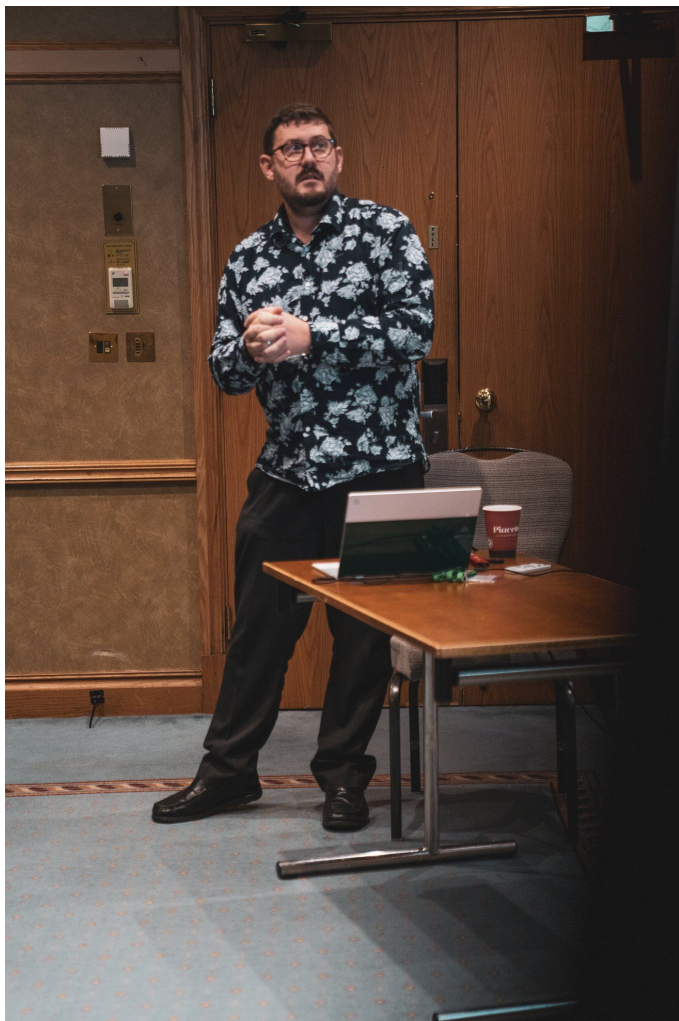
R - Reality - what can the site actually deliver

Y - You - Make sure you are passionate and proud of what you are doing

Imagine what we could cover in 8 hrs!



7th June 2025 - Guildford
Book at ww.tpexpert.org/victory



Thankyou