



# PLANNING Top 10 (FAQs)

Advice provided within our frequently asked questions (FAQs) represents officer opinion with the information available at the time and may not represent the formal views of the Council.

Please also be aware that any breach of planning control may result in formal enforcement action being taken. It is your responsibility to ensure that your proposals or actions either:

- Do not need planning permission, or
- Have the benefit of planning permission where required.

Once served with an Enforcement Notice, it is illegal to ignore it.

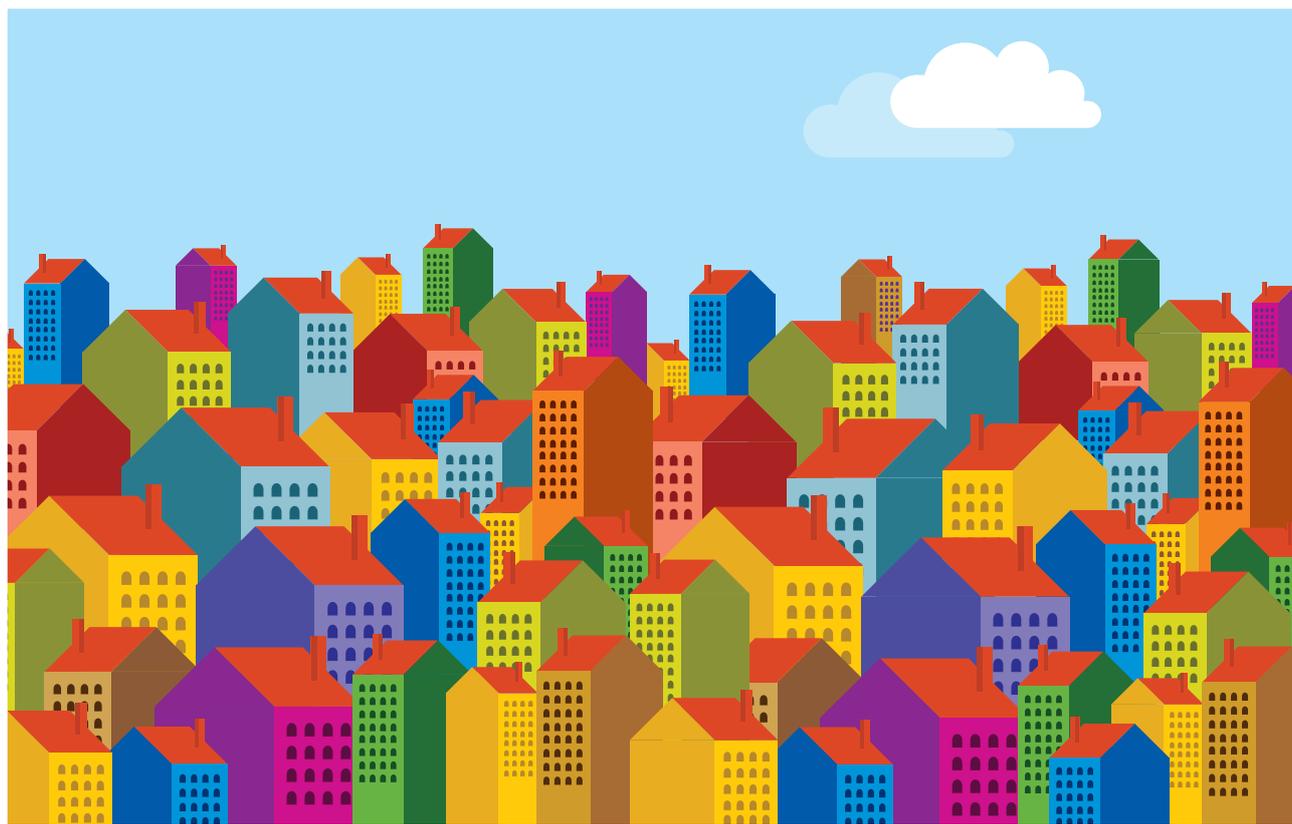


ASHFORD  
BOROUGH COUNCIL



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# 1. Do I need planning permission? Would I get planning permission?

## Do I need planning permission?

Visit [www.ashford.gov.uk/do-i-need-planning-permission](http://www.ashford.gov.uk/do-i-need-planning-permission)

The most common queries we receive are about alterations and extensions to peoples' houses or about buildings in their garden.

The interactive house and interactive terrace guides on our Planning Portal will help you decide if a formal planning application is needed. Please be aware that information provided is for guidance only and that you should be satisfied that works don't need formal planning permission before commencing any works.

You can see the interactive house at: [www.planningportal.gov.uk/permission/house](http://www.planningportal.gov.uk/permission/house)

## Prefer a formal decision about your proposal?

If you require a formal decision as to whether you need planning permission for your proposal, you should now apply for:

- A Certificate of Lawfulness (Proposed Development).

[www.ashford.gov.uk/certificate-of-lawful-development](http://www.ashford.gov.uk/certificate-of-lawful-development)



Generally, confirmation will not be provided over the telephone as an opinion cannot be made without the supporting information and documentation to base that opinion on. A formal decision could also prove essential in the event of the sale of your property.

Alternatively, the Planning Portal also offers advice regarding Lawful Development Certificates. To find out more about Lawful Development Certificates visit:

[www.planningportal.gov.uk/permission/next/lawfuldevelopmentcertificate](http://www.planningportal.gov.uk/permission/next/lawfuldevelopmentcertificate)

## Would I get planning permission?

[www.ashford.gov.uk/pre-application-advice](http://www.ashford.gov.uk/pre-application-advice)

We promote a positive and proactive planning service and although pre application advice is a non-statutory service, we encourage early discussions with those considering new development.



Pre-application advice assists in formal application preparation. It also serves to assist in identifying completely unacceptable proposals that will save you the cost of pursuing a formal application.



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We provide four different levels of pre application advice depending on the type of application.

- Free Services
- Charged Services (3 levels - 1, 2, and 3)

### What you need to do:

If you want us to comment on a particular building, extension or design you will need to send us:

- An explanation/description of what you want to do;
- Full site address and location plan (preferably at 1:1250 scale) with the site outlined in red;
- Any relevant information about previous uses;
- Sketch drawings providing details of the proposal with floor plans and how the building will look from the outside (elevations) as well as how it will relate to nearby buildings;
- Photographs of the site can also be helpful;
- Check if your request will be subject to a fee using the fee structure information that follows.

Submissions will need to include all of the above to ensure we can provide the most effective advice.



Email your request to: [planning.help@ashford.gov.uk](mailto:planning.help@ashford.gov.uk)

### What we will do:

1. Acknowledge receipt of your enquiry within 3 working days, giving you a reference number and the name of the person who will be dealing with your request.
2. Ask for any other information we think we need to give you an answer.
3. Once we have all the information we need, we will let you have our advice in writing within 15 working days although we are often quicker than this.

In the event that a meeting is required, then the assigned officer will make contact to arrange a mutually convenient time for a meeting. They will then provide a written record of what was discussed at the meeting within an agreed timeframe.



## 2. Can I create a new vehicular access and/or hard-standing?

### **Vehicular Access:**

If you require a formal decision as to whether you need planning permission for your new access you should now apply for a Certificate of Lawfulness (Proposed Development). We aim to determine these applications quickly. Further guidance is available at question 1 of this document. You may apply for a Certificate through the Planning Portal using this link

<http://www.ashford.gov.uk/submit-a-planning-application>

While you may not need planning permission, you will need to contact Kent Highway Services to obtain their consent for a dropped kerb:

[www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb](http://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/apply-for-a-dropped-kerb)

Tel: 03000 414141

### **Hard-standings:**

If you are creating or replacing an area of hardstanding new rules now apply for householders wanting to pave over their front gardens.

**You will NOT need planning permission if a new/replacement driveway:**

- Uses permeable (or porous) surfacing which allows water to drain through, such as gravel, permeable concrete block paving or porous asphalt, or
- if the rainwater is directed to a lawn or border to drain naturally.

**You WILL need planning permission:**

- if the surface to be covered is more than five square metres for laying traditional, impermeable driveways that do not control rainwater running off.

Please visit [www.planningportal.gov.uk/permission/house](http://www.planningportal.gov.uk/permission/house) for more information on whether Planning Permission is required.



### 3. Can I convert my garage?

Planning permission may be required for works to your garage if:

- A condition attached to the original planning permission for your property required all parking/garaging to be retained.

Examples (although not conclusive) in the Ashford area are:

- Godinton Park
- Singleton
- Goat Lees
- Brisley Farm
- Little Burton Farm

Please note: there are restrictions to your “Permitted Development Rights.”

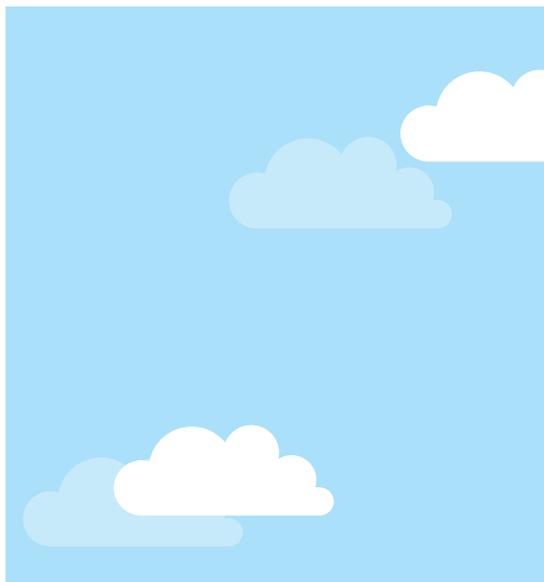


One of the key considerations in the determination of any formal planning application would be the amount of off road parking that could be provided at the site to offset the loss of the garage.

Conversions of garages also require Building Regulations approval. Please contact us on 01233 330282 for more information.

Alternatively, guidance can be found on the LABC (Local Authority Building Control) website:

[www.labc.co.uk/advice-building-projects/homeowners/extensions-conversions-and-conservatories](http://www.labc.co.uk/advice-building-projects/homeowners/extensions-conversions-and-conservatories)





## 4. Can I work from home or do childminding from home?

### Working from home:

You do not necessarily need planning permission to work from home or run a business from home. It all depends on the extent of the use compared with the use as a dwellinghouse and whether the overall character of the dwelling has changed.

**If the answer to any of the below is YES, then it is highly possible that you may require planning permission:**

- Will your home no longer be used mainly as a private residence?
- As a result of the business will there be a marked change in traffic or visitors to the dwelling?
- Will any associated business activities be unusual in a residential area?
- Will your business operate in a manner or at unreasonable hours creating a noise nuisance or smells?

**Business use of a residential dwelling will NOT need planning permission:**

- When the business element of the totality of use is very limited, and
- Is not the primary use of the land and/or buildings
- Is considered so small as to be inconsequential.

### Childminding:

You MAY need planning permission and the considerations for the running of a business listed above are relevant here/apply.

In addition, the following extract from the Ashford Borough Local Plan which explains that the key consideration is the number of children that will be taken care of as well as the size of the property:

[www.ashford.gov.uk/borough-local-plan-2000](http://www.ashford.gov.uk/borough-local-plan-2000)



## Extract from Ashford Borough Local Plan 2000: (page 179)

### Nurseries and creches

*12.46 Parents seeking to return to work can be hindered through the lack of child care facilities at the workplace or in local communities. The planned growth in the working population of the Borough and changes in Government policy are likely to result in a significant increase in the demand for these facilities, including pressure on primary schools. The Council wishes to encourage the provision of nurseries/creches particularly in connection with large new employment developments. They should be located in local centres grouped with other facilities such as local shopping, community or health centres, or at local schools, including those being constructed to serve the large new residential sites around Ashford.*

*12.47 Some nurseries and child-minding services are run at private residential properties. These may not always require planning permission, when the number of children attending is low. Normally, the Council will consider a total of 2 children (excluding those from the family running the service) as the maximum number permitted to attend before planning permission is likely to be required. Problems of noise, disturbance and traffic congestion from vehicular movements can arise at the 'pick-up' and 'drop-off' times. The size of the property and garden will also be matters for consideration, with smaller, terraced properties usually being less suitable. Nursery schools can generate a significant number of car trips, especially if located away from centres of population and should be located within settlements.*



If you are in doubt you may apply to the Council for a Certificate of Lawful Use for the proposed activity, to confirm it is not a change of use of the property. See FAQ 1.



## 5. Do I need permission to put up an advert or sign?

Guide for outdoor advertisements and signs.

[www.planningportal.gov.uk/permission/commonprojects/advertssigns](http://www.planningportal.gov.uk/permission/commonprojects/advertssigns)

## 6. Do I need to apply for change of use?

Planning permission is NOT needed when:

- The existing and the proposed uses fall within the same “use class”, or
- If the Town and Country Planning (Use Classes) Order 1987 (as amended) says that a change of class is permitted to another specified class.

For more information on the classes please visit:

[www.planningportal.gov.uk/permission/commonprojects/changeofuse](http://www.planningportal.gov.uk/permission/commonprojects/changeofuse)



## 7. Is my property affected by:

Tree Preservation Orders, Conservation Areas, Ancient Woodland, Listed Buildings, Areas of Outstanding Natural Beauty etc

Our interactive map available online will be able to confirm if the property you are enquiring about is covered by any of the above definitions/restrictions:

<http://newmaps.ashford.gov.uk/EXTPlanningMap/default.aspx>

If you establish your property is covered by any of these, further guidance can be found on our website:

**Tree Preservation Orders:** [www.ashford.gov.uk/tree-preservation-orders](http://www.ashford.gov.uk/tree-preservation-orders)

**Listed Buildings:** [www.ashford.gov.uk/listed-buildings](http://www.ashford.gov.uk/listed-buildings)

Supplementary advice is available for all of the following:

- Listed building -
- Alterations and extensions
  - Repointing
  - Replacing windows
  - Heritage statements
  - Conservation contacts

**Conservation areas:** [www.ashford.gov.uk/conservation-areas](http://www.ashford.gov.uk/conservation-areas)  
[www.ashford.gov.uk/trees-in-conservation-areas](http://www.ashford.gov.uk/trees-in-conservation-areas)

**Ancient Woodland:** [www.ashford.gov.uk/ancient-woodland](http://www.ashford.gov.uk/ancient-woodland)

**AONB:** [www.ashford.gov.uk/landscape-character-spd](http://www.ashford.gov.uk/landscape-character-spd)



## 8. Can you help me as I'm buying a property?

A lot of information you may be interested in when considering purchasing a property is readily available to you using both our Address History search and our Interactive map.

**Visit: <http://planning.ashford.gov.uk/> for this information.**

Planning application documentation and decisions from 2003 onwards are readily accessible on our website, via the above link.

S106 agreements can also be found alongside the documentation for the relevant planning application.

Planning application documentation and decisions pre 2003 can be made available but planning reference numbers will be required. You will therefore need to research these on our interactive map and our database search prior to requesting documentation.



**Documentation will be made available free of charge when reference numbers are quoted. Requests which do not include reference numbers are likely to attract a fee.**

Whilst you may want to carry out your own research, your solicitors will normally instruct a Local Authority Search to be carried out which will illicit much of the information you as the purchaser and potentially your mortgage lender is interested in. Please visit our Local Land Charges pages for further information and guidance:

[www.ashford.gov.uk/a-local-authority-search-explained](http://www.ashford.gov.uk/a-local-authority-search-explained)

### **Planning advice for works to a prospective purchase:**

If you require planning advice for works you are considering doing to a prospective purchase, you will need to follow the Certificate of Lawful Use application process (in the event that you seek confirmation that what you would like to do does not require the benefit of planning permission) or alternatively, seek pre application advice to gauge the likely success in the event an application is submitted. Please bear in mind the processing times of such requests in order to ensure you make your requests with sufficient time, as guidance would not be provided over the phone.

Information on both of these can be found either on our website: [www.ashford.gov.uk](http://www.ashford.gov.uk) or on the Planning Portal.

See: FAQ 1 in this document



## 9. Who owns a piece of land?

Land Ownership is dealt with by Land Registry.

[www.gov.uk/government/organisations/land-registry](http://www.gov.uk/government/organisations/land-registry)



The Council does not have jurisdiction to determine disputes about land ownership, but any permission granted would not override the property rights of the neighbour should they subsequently prove to be the land owner.

If your enquiry is relating to a Council Owned property, please direct your enquiry to:  
Corporate Property: 01233 331111

## 10. How do I report an alleged breach of planning/planning enforcement?

[www.ashford.gov.uk/reporting-a-planning-breach](http://www.ashford.gov.uk/reporting-a-planning-breach)

If you think works are being carried out that are in breach of planning control, please let us know by contacting the Development Management team.

Online: [www.ashford.gov.uk/report-a-planning-breach-form](http://www.ashford.gov.uk/report-a-planning-breach-form)

Email: [planningenforcement@ashford.gov.uk](mailto:planningenforcement@ashford.gov.uk)

Letter: Development Management Team, Ashford Borough Council, Civic Centre, Ashford, TN23 1PL



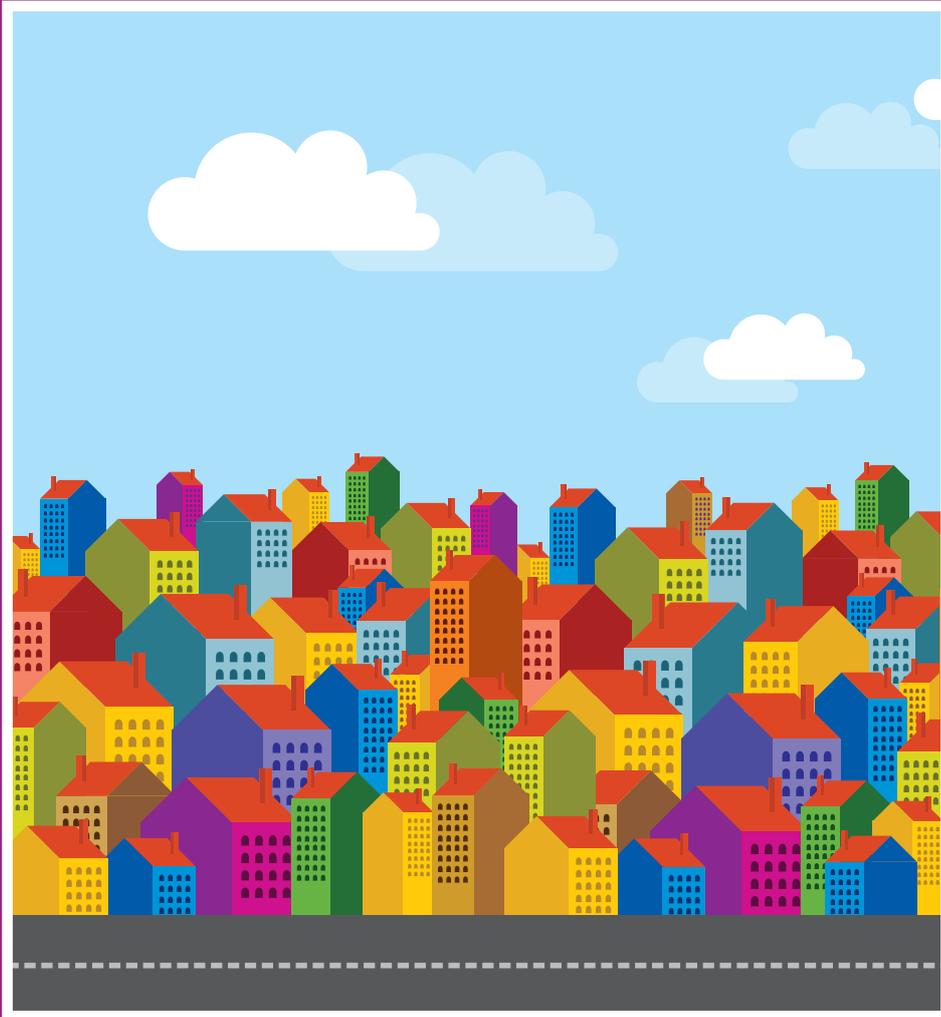
Your name will not be released to anybody else - the identity of a complainant is kept confidential.

**However anonymous complaints will not be investigated.**

We will investigate your complaint and decide if a breach of planning control has occurred. You will be informed of the results of the investigation.

In certain cases you may be asked to assist us by providing evidence at an appeal or in Court. Before this happens the Case Officer will ask for your consent.





If you do not feel your enquiry has been covered sufficiently from the information and sources provided, please contact Planning Support on 01233331111.

Information Sources: Ashford Borough Council website:

[www.ashford.gov.uk](http://www.ashford.gov.uk)

The Planning Portal is the online planning and building regulations resource for England and Wales

[www.planningportal.co.uk](http://www.planningportal.co.uk)

Local Authority Building Control:

[www.labc.co.uk](http://www.labc.co.uk)