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# Prior Approval -Demolition of buildings and construction of new dwellinghouses in their place - Class ZA, Part 20, Schedule 2

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Applicants are able to demolish an existing building and construct a new dwelling house in their place under permitted development, subject to limitations, conditions and land designations (outside a conservation area and not within a site of special scientific interest). However, these must go through a prior approval process with the local planning authority.

## Prior approval process

The prior notification process will involve the local planning authority, on receipt of all necessary information, notifying the owners/occupiers of any adjoining property. Where an adjoining owner or occupier objects, the prior approval of the local planning authority is required. When considering the impact, the local planning authority will take into account any representations received.

No development can begin before the occurrence of one of the following:

- Written notice from the local planning authority to the developer that prior approval is not required
- Written consideration from the local planning authority giving prior approval
- The expiry of 42 days following the date the local planning authority received notification, without the local planning authority notifying the developer as to whether prior approval is given or refused
- The development must be carried out in accordance with the details approved (where prior approval is required), or in accordance with the details provided with the notification (unless the local planning authority and the developer agreed otherwise).

Applicants are advised any of these extensions (as defined above), are still required to accord with all other relevant limitations and conditions, as set out in Class ZA, Part 20 Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015. The local planning authority can refuse an application where, in the opinion of the authority, the development does not comply with the conditions, limitations and restrictions of Class ZA.

## Prior notification process

The enlargement of a dwellinghouse by construction of additional storeys is subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:

- a) transport and highways impacts of the development;
- (b) contamination risks in relation to the new building;
- (c) flooding risks in relation to the new building;
- (d) the design of the new building;
- (e) the external appearance of the new building;
- (f) the provision of adequate natural light in all habitable rooms of each new dwellinghouse in or comprising the new building;
- (g) the impact of the development on the amenity of the new building and of neighbouring premises, including overlooking, privacy and light;
- (h) impacts of noise from any commercial premises on the intended occupiers of the new dwellinghouses;
- (i) the impact on business and new residents of the development's introduction of, or increase in, residential use in the area in which the development is to take place;
- (j) the impact of the development on heritage and archaeology;
- (k) the method of demolition of the old building;
- (l) the plans for landscaping of the development, including the planting and maintenance of shrubs and trees; and
- (m) any—
  - (i) air traffic and defence asset impacts of the development, and
  - (ii) impact that, because of the siting of the new building, the development will have on a protected vista identified in the Directions Relating to Protected Vistas dated 15 March 2012 by the Secretary of State<sup>179</sup>, unless no part of the new building (including plant, radio masts and antennae) occupies airspace not occupied by the old building (including plant, radio masts and antennae).

The development must be completed within 3 years and the LPA must be notified in writing after completion.

## What information do I need to provide?

Before beginning the development, the applicant/developer shall provide the following information to the local planning authority.

- Developers contact address and email
- Fee
- A written description of the proposed development
- A plan which is drawn to scale and shows the direction of North, indicating the site and showing the proposed development

- A plan which is drawn to scale showing external dimensions and elevations of the building proposed for demolition, and the building scheduled as replacement.
- A written statement specifying the number of dwellinghouses in the building proposed for demolition and the number of new dwellinghouses proposed in the building proposed as replacement
- Elevations includes in the positioning and dimensions of windows, doors and walls
- Floor plans showing the dimensions of all rooms

And if relevant:

- FRA
- Heritage/Archaeology Statement

Development is not permitted if the building to be demolished is occupied in any part of an agricultural tenancy, within a conservation area, within a site of special scientific interest, is a listed building or scheduled monument or within its curtilage, forms a safety hazard area, forms a military explosives storage area or within 3km of the perimeter of an aerodrome.