

## Episode 112

# Getting planning permission for a self build – with Phill Skill

The show notes: [www.houseplanninghelp.com/112](http://www.houseplanninghelp.com/112)

Intro: My guest today is Phill Skill, who was Chief Planner at Stroud District Council. You may remember him if you saw the TV series “The Planners”. By talking to him we’re going to be taking our first steps towards understanding a bit more about the planning system in the UK.

I started by asking him to tell me a little bit about his background.

Phill: My name is Phill Skill. I come from the East Midlands. Emigrated down into the Cotswolds when I realised that the countryside wasn't going to kill me. Actually it tried to many times! But moved down here. My background is in building surveying. I started as a building inspector and then about 10 years ago I transferred over to doing planning, and ended up as Head of Planning at Stroud Council.

Ben: Planning is something that we haven't covered on this podcast before. I know that it's not even a simple thing that we can say this is across the UK, it's actually very specific isn't it? So what would be your introduction if you were going to say to someone 'this is the first thing that you need to know about planning'?

Phill: It's not a Great Britain system. It's split basically down into the four provinces, so for us it's England, but Wales and Scotland and Northern Ireland have their own separate systems. But they're all based on the same type of thing, which is you start with a local plan which decides what can happen in which fields all over your district. And that's dealt with at a very local district council level. So that's bigger than parish but smaller than county. So it's the district councils. In the big metropolitan authorities, Manchester, Bristol, Birmingham, Leeds, it's the city council. But it's at that level that these rules are put in place.

Now these local plans all have to comply with what's called the National Planning Framework, or the NPPF (National Planning

Policy Framework). And that was set by the coalition government when they came in, the government before last, and it replaced hundreds of thousands of sheets of paper, policy documents, and it brought it all down to about 50 pages of motherhood and apple pie sort of thing.

Ben: Good? This is good?

Phill: It was there to try and streamline everything and make it easier for developers and the communities to understand what the rules were, instead of having to pore through hundreds of thousands of pages.

This comes down to development should be sustainable, and then doesn't go on to describe what sustainable is. You then have to look at case law and planning appeal decisions and what the local plan in your local area says is sustainable.

But it's those sort of motherhood and apple pie big, broad stroke policy that's one of the things the current administration is trying to do which is push down the decision making to a lower level. So central government isn't seen to be the blockage. It's laying down the basic rules, and then your local authorities are the ones which put the local spin on it and try and put the flesh on the bones.

Ben: On the surface that sounds like a good idea. Local people should develop their areas in the way that they see fit. So this framework, what does it dictate?

Phill: It dictates some of the rules, like for instance, each local authority should have what's called a 5-year land supply. Which effectively means that developers should have in their bank enough houses for the next 5 years. So they can plan for the future. And if a local authority doesn't have that 5-year supply, then the developers are more likely to win on an appeal. So it puts the onus on the local authority to keep the land supply churning over. So there's always enough land in the system to satisfy the commercial need.

Ben: That's interesting. I still feel like, we're going to get to why we have planning in a second but already I'm intrigued by what you're saying. Why commercial? Why not me as a self-builder? Why am I not a priority, or maybe I am?

Phill: When we say commercial, I think the government expects that to be people building for themselves. I don't think they're taking the philanthropic people into account. So they're looking at it from the

gross domestic national product type of thing, is how can we get the economy going. The whole thing is based upon large scale big business.

And then what happens is that the local plan stage, we're expected to take in the local characteristics and the local needs, so if you've got a large number of people who are saying they want self build, then the local authority should incorporate a percentage of build for self-builders. They could also put limits on some of the smaller scale developments - the infill plots. So how are they going to be dealt with - are they going to be dealt with by the big boys or the local builders? Usually the local authorities like to keep those reserved for the small local builders, keeping the money in the local economy. But they still need the big boys for the big development.

Ben: Is there any benefit in me going to my local council and asking them about land and opportunities? It's not something I've done but...?

Phill: Yes, there is. My own local authority, we have our local plan just gone through its inquiry. And in there is on the big sites the developers are being required to provide a percentage of their plots, serviced, for self builds. So that, in other words, the drains, the electrics, the telephone cables, are right up to the edge of the footpath and all you've got to do is connect it. So you're not going to be left in a field in the middle of nowhere.

And that's all well and good but it's who are self builds? And I suspect that when push comes to shove, self builds will be more likely to be one-man builders, not people like you and I who actually want to project manage and get our hands dirty a bit. These will be snapped up by the small tradesman who will come in and build their own house, or build one for sale.

Ben: Why are they more likely? Because they know how this works?

Phill: Yes.

Ben: Right.

Phill: I think they're more genned up on it. They're more likely to jump through the hoops faster. They're going to be less scared by the bureaucracy of dealing with the big builders, because the big builders own the land you've got to buy the plots off them. There's nothing to say what the prices of those plots are going to be, and they're going to have better access to finance.

And I think you'll find that finance is another one of your problem areas in self build. So they will have a better access to ready cash and because there'll be no limits as we understand it on how long you have to hold on to that house, a person could build it as a self build for sale. So these are more about single plots being designed and built individually, not necessarily for the final owner, which I think is where we're coming from.

Ben: What would happen then if I go into this or someone else does, is there any way to increase our chances or do we need to be more professional?

Phill: I think we're still at early days with these and what we need to do is to start making our own rules and getting local authorities to be more specific about how these rules apply. When you're going through a local plan, they're more bothered about the big stuff and this is a small caveat on the bottom of page 47 or something daft. It's not something which is at the heart of the plan.

And I think what we need to be doing as communities is raising the game and raising the expectations. So getting involved with your local councillor or getting involved with the local planning authority. The local plans are there to be debated as they're going through, and there's still 50% of them still going through. And get them to start putting down some better rules and the way in which you can engage.

Our local plan for instance just says that a certain percentage of the plots shall be reserved on the very large sites. But there's no mechanism to say how they're marketed, you may not know they're available because the developer has done a deal with estate agent to sell them on their behalf, and they've got a list already. But if you're not on that list how do you know? So it's one of those mechanisms and I think that's what's lacking at the moment in the planning system.

Ben: Okay. I think we'd better rewind for a moment and look at why does planning exist? What does it allow to happen?

Phill: Okay, if we go right back to the Englishman's home is his castle, or an Englishwoman's home is her castle. English law says you can do what you like with your land. And then over 100 years ago the government said no, let's take some control of this, so when people started owning land, and it wasn't just the big landowners then, it was people like you and I started to own properties and stuff. The

government I think had a bit of a dicky fit and thought well we can't leave this in the hands of those sorts of people can we, no. We're going to regulate this.

So they brought in planning controls and then over time the pendulum has swung between how much control planning has and how much it doesn't.

So planning is involved in two aspects. The first one is the one that people tend to forget, which is the use of land. So what you use land for is controlled in planning. So whether it's a domestic piece of land or it's a commercial piece of land or whatever it's for, the use of the land is important. So by default, all land in this country is agricultural unless it's got some other use. So the default is back to agricultural.

The other part of planning is what it looks like - the aesthetics. So when you apply for planning permission the first, as I say for instance a big development or a housing development, the land is currently used as let's say farming land, and you want to put houses on. So you're applying for two things - one is to convert the land from farming to domestic, and then what are you going to put on it and what's it going to look like. And we tend to get fixated with the latter part, whereas the local plan is dealing with the first part - the use of the land.

So you require planning permission to build just about anything and then you are allowed, you are given what's called permitted development. So planning permission is required for most stuff, but some stuff you've got by default. So small extensions to houses require planning permission but so long as they're within certain scale you are granted them by right under permitted development. Does that make sense? So they're still planning and regulated by planning, but if you do it this way you don't have to go through the formality of applying and getting permission from the council.

So if you want to build a house, you're going to need planning permission. So if we start on that basis then certainly we'll need that.

If you want to extend your garden into the fields behind, you'll need planning permission. It may look exactly the same but you've changed the use. You've changed it from agricultural land, but then there's a few complications which is things like allotments. You're still growing food so it's still agricultural, even though it's allotments. You think they're two different types of land but they're not. They're

still agricultural. So all those things sort of come together into one great big amorphous planning system which if we had ten lifetimes we couldn't get to it all.

Ben: What does that mean then as someone who wants to build a house? I know you're quite interested in this yourself, so how would you go about finding land? Would you find agricultural land? Finding land's not really the problem is it, it's being able to build on it?

Phill: Yeah. Trying to find land, farmland, is nigh on impossible. There was a small window of opportunity when everybody was in the hiatus of their local plans when they didn't have 5-year land supplies, and more or less anything went. If you could prove that your farmland was sustainable you might have got away with it. But in today's environment it's highly unlikely that you'd be able to go onto a farmer's field and build a single unit.

The best way to do things is either as a garden infill in a town or village or city. We call it garden grabbing but that's not always a no-no. So if you've got a very small house in a very big plot, you might be able to knock the bungalow down and build two or three on that. And that's perfectly acceptable. But that would be in the confines of an existing settlement, so you'd be building inside a town or inside a village.

Building greenfields is really the preserve of the big boys. They get planning permission for 300 / 400 / 1000 / 2000, and the only place they're going to get that is on a greenfield. They could get it on what we call brownfield sites, which are things like old RAF bases and industrial complexes that have gone to rack and ruin. But the vast majority of them are on greenfield. And they are things that take 10/15 years to go from first inception to actually getting bricks and mortar on the ground. So if you want something in that sort of development, you're looking for a local authority that's got this self build policy in where you can buy serviced plots off the developer. Other than that it's finding a property that you can knock down and build two on or something like that.

Ben: Let's look at a couple of these scenarios. I'm particularly interested in the garden one. Can you reliably, let's say I see a house that I like, that I think this is great, I can live in this house while I build my house, but when I'm buying it I have no sense of whether I can get planning permission to build in the garden. So what would be the factors that will be part of this?

Phill: Okay. You can either take a punt and buy the property and hope you'll get permission, and on the understanding if you didn't like it you could always sell it for what you bought it for.

Alternatively, you can talk to the current owner and you can buy the house at a slightly inflated price on the understanding that planning permission will be granted for another house or whatever in the garden. So you buy subject to contract if you like, or buy subject to planning permission. Now that gives you the reassurance that if they get planning permission they're contracted to sell to you, but you are going to have to buy it at this inflated price because they're going to want part of that profit. If they don't get planning permission you can of course walk away from the deal and say you didn't get the planning permission on the garden, I don't want to deal with it. And they've been left with the costs. Somewhere in between those is reality. So it's how much you want to show your hand to the vendor or how much you actually want to speculate.

Ben: And does that apply then, I'm just thinking through various plots for example near to where I live. There was a garage - it's funny how you can walk past these things and never think how that's never going to turn into any houses, and then one day it's been knocked flattened and suddenly you think oh yes, that was quite a good plot for a few houses! Admittedly they were cramming them in, but is it exactly the same process, that you're going to go to the landowner, and either you're going to buy the whole thing and take the risk yourself?

Phill: Yeah. You could go and speak to the planning offices confidentially about a site. So you may not even own the site or have any engagement with the owner, and say well look I'm thinking of buying that house or those garages, what's the chances of getting some houses on there? Their advice will not be binding, because they haven't done any public consultation, they haven't done a lot of the work, but they can give you a rough guess of previous experience, they can go down that route.

The other thing people don't tend to understand is you can actually put planning permission in on somebody else's land. You don't have to own the land to put the planning application in. So I could put a planning application in for a gazebo on Buckingham Palace, and so long as I pay the money and I write to the Queen and tell her that I'm putting in for planning permission, then that's fine.

When I, where I used to work in the Cotswolds we had a notorious lady who was on Neighbours from Hell. And she used to put in

planning applications on her neighbour's property, and they were atrocious applications that were bound to be refused but it gave his property bad planning history, and that's how she was getting at him. And so long as she told the gentleman that she was putting the planning applications in, it was all above board!

And that happens with all of the major developers. They don't own the fields. The farmer owns the fields and the farmer will get an inflated price if the developer gets their planning permission. So it's what's called 'buying under option'. And the planning application comes in from the developer. They're taking all the risks and the land owner is just sitting there saying hey, if you get your permission you can buy the land off me at the new value, but you get first chance of getting the permission.

Ben: Are there different types of planning permission?

Phill: Oh yes!

Ben: Of course, it couldn't be that simple!

Phill: No, no, no. There are many. There are a plethora of them.

Ben: Well, what would we need to know about as people who want to build our own homes?

Phill: Okay. Let's put aside the fact that you want to knock down a listed building because that adds an awful lot of other permissions you may need, so let's ignore that and say it's a normal site. There are two main application types. There's one called outline and there's one called full.

So the outline application is about the principle of development. So when I was talking about the use of the land, so what you're saying is could this piece of land be used for two or three houses. It's currently a block of garages, and with an outline application you just need to show the site. So an ordnance survey plot plan, how you're going to access the site, so which road it's going to be coming off, and that's it. You don't need to show what size the buildings are, what shape the buildings are. This is about principle. Could we put houses on it?

Now the council and the councillors will probably jump up and down and say well I need more detail because I don't know what you're going to be building. Well, sorry but that's not what the government says. The government says you can do outline planning



permissions. If you were really kind you could give indicative plans, as in well I'm sort of minded to do two storey and this sort of garage... But that's for later. You can determine that afterwards.

And the outline planning permission is about half the price of full. And you don't have to go to all the expense of really detailed drawings. But that gives you the principle.

And then the full planning application is the whole lot. So that's this is where I want to put it, this is what it's going to look like, this is what the landscaping is going to be, everything. So that once you get the planning permission off the council you can get on and build it. With the outline application you've got the principle, you then have to come back with what's called 'reserved matters' applications and fill in all the gaps.

Ben: So why would you go down that route?

Phill: The two main reason that people use outlines: one, solicitors use it a lot with the death of a person, so they have to value the land. So they've got a little old cottage in a big plot, so they'll come in and say well for the executors and for the beneficiaries, if we were to sell this with the benefit of planning permission for four houses, how much would it be worth? So they put in a planning application with outline, the council says yeah you could get four on it, that raises the land value from a single unit to four units. So the beneficiaries of the will will be paid out more.

For developers who are putting in, let's say for instance one just down the road from us, 1350 houses, two things. That site's going to be going for ten years so they don't know what the colour of the bricks, and the size of the units are going to be in demand in ten years' time, so we don't want to settle ourselves now.

And the other thing is at the moment they don't own the land and they're trying to limit their exposure financially. They've probably borrowed money from the bank to get this far and they don't want to have to spend money on all the other consultants and architects fees to draw 1350 little houses when they may not get permission. So it's a way of limiting their risk. Once they've got permission for 1350 houses they can go to Lloyds bank and say hey guys, lend us some more money, we got planning permission on this. So it helps them financially so they've got reassurance that they can start investing more money. So some of these big developments will be £5million in the red before they've laid a brick. And they've now got to start churning that back and they need some reassurance.

Ben: It's really about the fees, isn't it? So are those fees that you can state outright or do they change with various factors?

Phill: Well the fees for planning applications are set by the government nationally, so the local authority have no choice in it. The fees themselves only cover about half to a third of what it really costs so the council tax payer foots the rest of the bill.

And to some extent you've got to think that's right, because you wouldn't want the developer paying everything and calling the tune. So what we have is a situation where the community have a financial say in it as well. They're paying for the planning committee and they're paying for all those sorts of things. So the fee you're paying to the council, £300, nearly £400 for a single house, but it costs the council about £1200 to process the application. So it's not cheap but it's not as expensive as it could be.

Ben: We've put in our application and it's been rejected. Why might that happen and where should we go from here?

Phill: Okay. Let's go pessimistic because 95% of applications are approved. But let's assume your applications are refused.

Reasons for refusal on new dwellings are unsustainability, as in you want to build it in the middle of the countryside, there's no roads, and even if there are roads every journey you make must be by car because you've got to take the kids to school, you've got to go to work, you've got to pick up the laundry or whatever, you've got to pick up your stuff from Tesco. And the government is trying to make us more sustainable so we live more urban lifestyles. And that's one side of it.

The other side of it is when we get old, and I'm getting a lot older than you, I'll be needing somebody to come and get me out of bed at some point and feed me through a drip. And those people are paid for by society. Now they can service an awful lot more people in the cities and towns than they can if I'm living in rural nobody. So there is a social cost. So it's both sides of that. So one would be sustainability.

Another one could be landscape, as in your building is butt ugly and will make the countryside look bad.

Other ones would be overbearing, so what you wanted to build. Let's say it's for instance in a back garden, would dominate the

other gardens and living conditions of your potential neighbours. Now there's no such thing as a right to light in planning, but there is overshadowing and overbearing. So whilst you may not get direct sunlight as in the tracking sun, you can't guarantee that - you don't own it, if the design you'd made was too tall, too bulky that it made people feel oppressed, then you'd get a refusal on those grounds.

You could get a refusal on highways grounds, because where your access point is on a dangerous corner, or you haven't got an access point or you haven't got any car parking, or all those sorts of things. So they're the usual ones. Others might be thrown in just for good measure but they'll be the substantive reasons for refusal.

So if you get a refusal from the local authority, either from the planning officer or by the committee, your next stage is to consider two things. One is to redesign what you want to do to overcome those and resubmit it. You get a free go if you resubmit, or you say blow this for a game of soldiers and you go off to the planning inspectorate, which is based in Bristol just down the road from here, where you appeal the decision. You say I don't think the council got the decision right. They misinterpreted their own local plan, they misinterpreted the national plan and I feel hard done to and I want my permission. And what the inspectorate would do would be to appoint an independent inspector, ex-planner usually, who will look at the case again and let you know whether they agree with you or agree with the council.

Ben: A little while back you were saying about the aesthetics of a house and I sometimes wonder this when I'm trying to assess something as is this a potential plot. So let's say it's a run-down property but it's a bungalow with bungalows surrounding it as well. What is the likelihood I can build my two storey house, get permission for it or is this something not written in stone saying they all have to look the same?

Phill: Right. You've got to consider as planners the what's called 'street scene'. As you're going along the street, is that design going to stand out like a sore thumb? Is it going to be jarring on the eye? It shouldn't attract the eye any more than any other property.

Now there are exceptions to that. You can have exemplar units, exemplar houses - a piece of relief as you're going down a street. But usually they've got to be of such high quality that it justifies it.

So thinking of the Louvre, the pyramid in front of the Louvre, they are so different that you can actually, well, some people can actually live with it. Some people can't but some people can.

What we try to avoid is pastiche, where you're trying to make a very poor copy of what's there. So you've got a street scene of Cotswold stone houses and then you put a, no disrespect to Bradstone or any other reconstituted stone product and there are others available, you try to put that in between. Now, it's a pastiche, it doesn't fit the bill but you're trying to keep the same colours so you're trying to blend in but you're not throwing enough money at it.

But there are plenty of listed buildings and Cotswold stone buildings where there's a glass extension on the rear. You've compared and contrasted. So you've made that split between the two.

One of the things our conservation team love is where you can read a building's evolution. So you can see well this was the Georgian wing, this is the Edwardian wing, this is the Victorian area. I think we've lost that in the last few centuries. Where's the Queen Elizabeth II wing on stately homes? There aren't any. Usually it's the coffee shop that people go and buy their coffee in or the kiosk. Oh yes that's a QE2 extension that one. But we don't go in for it. What we've tried to do in the past with these properties is to provide a pastiche. It's sort of is there's a gothic bit there which was built in the 1950s but it wasn't, it should have been concrete if it was the 1950s, it shouldn't have been a pastiche.

Anyway. Moving back to the topic! So, as you're looking down the street, we're not looking for the sort of thing that would jar. And if it was to jar the eye, it should be so spectacular that you actually want to draw the eye to it.

Ben: For an introduction for a self-builder, is there anything else you feel we should be saying, I should have asked you?

Phill: Don't try and do it on the cheap. You'll fail. You've got to take professional advice. You've got to look at all the options. Use sites like this to get the best information you can and go into it with your eyes open. This is a cut-throat business and the big boys will hang you out to dry given the chance.

Ben: Phill, thank you very much.

Phill: No problem.