



‘Start’ Work to Stop Planning Lapsing

The planning permission for my self-build is due to lapse very soon unless I make a start. What officially qualifies as a ‘start’?

Across the country there are different interpretations of what constitutes the ‘start’ of a scheme. Legally, the minimum threshold would be work classified as a ‘material operation’ in order to satisfactorily implement a scheme — which can include the demolition of buildings, digging foundations or service pipes, or laying out. For example, a road was marked out with pegs and tapes by a developer and this was upheld as a lawful start (Malvern Hills DC vs Secretary of State for the Environment [1982] J.P.L. 439).

To be sure, I would suggest that you dig some or all of the foundations. At this stage a Building Control officer would usually come out to view the work — their report would therefore create an undisputable record that you have started.

Failing this I would advise that you take photographic evidence of work on site and send it to your local planning authority so that you can later prove that your self-build commenced prior to the permission lapsing.

It’s important to note that any outstanding or unapproved planning conditions will need to be discharged prior to commencement. If you fail to do this prior to the lapse, any work to implement your self-build would be unlawful. Under current legislation the discharge of conditions can take up to 12 weeks.

If you cannot start your project, you may be able to apply to extend the permission. Under new regulations an ‘extension of time application’ can be submitted if the planning permission has not already lapsed and the permission was granted pre-1st October 2009.