"Do I Need Planning Permission" for Granny Annexes, Garden Studios, Garden Rooms, Outdoor Kitchens, and Accommodation Buildings for family use.

Will planning permission be required to build in your garden and which building regulations are applicable?

Welcome. You should find all your answers right here. If you need a quick response to any questions on this subject I usually reply by email on the same day - Get answers > richardgrace1@gmail.com

Garden Studios and Offices etc. are accepted everywhere. Accommodation buildings in gardens are more complex and are in big demand now for quite a few reasons. Buildings for business purposes are common but need special consideration. We are specialists in design and build for ALL garden building projects. We advise on both Planning Permission and Building Regulation compliance should either or both be required.

Your answers to both planning permission and building regulations questions are all be here on this page and right up to date. To create “comfortable” extra living space total project costs are £1200 - £1800 per sq metre. Without plumbing the costs are less. Firstly a quick summary followed by all the detail needed. If you would like this document in pdf. email me directly richardgrace1@gmail.com or click the download link at the bottom of this page:

Here are the answers you are looking for to this question.
"Do I need planning permission for my Garden Building project or Annexe and what about Building Regulations" ?

**Step 1: Short Answers**

Most households have "Permitted Development" rights and the rules are all here. Outside these rules planning permission must be obtained. All these rules with comment are here (below).

"It is VITAL to understand that Building Regulations and Planning Permission are two completely separate subjects". I cannot emphasise this enough so here it is again - Don't confuse planning permission and building regulations.

If you build a garden structure with a footprint of 30 square metres or under, the only mandatory Building Regulation that applies is electrical safety "Part P of the building regulations"

A qualified electrician must sign off for electrical safety (that's all). I have this qualification and often do this sign off myself. If all is installed correctly, test and verification is quick and easy. You get a certificate which is sometimes necessary for insurance purposes + "peace of mind" of course. Domestic electrical systems are very simple but MUST in every case be certified safe.

Size makes a difference. Any garden structure over 30 sq metres (footprint) requires full compliance with all applicable building regulation rules. This adds to the cost per sq metre as full detailed constructional calculations and site visits by building control before and during construction are required.

**Step 2 the essential detail - "Both Planning Permission and Building Regs"**

For the "do I need planning permission" question you will need to understand more about the restrictions associated with "Permitted Development" (height and proximity to your boundary etc.) All the detail you need is here below.

My advice is  - "make sure that your proposed project is neighbour friendly". If it is not you will find the whole process stressfull.
Above - buildings which meet permitted development rules - on the left low pitch roof full living annexe and on the right - Garden Studio with curved roof - both are high spec... - (Both meet PD rules and neither required Building Regulation or planning applications). We recently completed a Granny Annexe of 30 sq. metres by converting and extending an existing garage - again within PD rules. All of the information is below (there is a lot of it but it is all here).

A few more notes - then ALL the rules covering planning and regs for garden buildings in detail: (maybe 8 minutes or more required)

This document applies to detached garden structures and outbuildings including sheds, studios, offices, gymnasiums, annexes, ancillary accommodation buildings, outdoor kitchens and leisure buildings. Here is the link to the official government document that applies (1 hour read at very least so don't leave here yet!). (General Permitted Development Order 2015) > [GPDO](#)

**Definition of an Annexe**

An *annexe* is defined in the planning guidance notes as: "Accommodation which is ancillary" to the main residential dwelling and used for this purpose.

This document is updated regularly by (last updated 04/07/2017). We provide consultancy during your research and design phase + full design and or build services. Our services include any formal document submissions - plans, drawings, specifications etc. that may be required.

If you are using local builders we can supply detailed design and working documentation with full specifications + material schedules.

**In the news:**

From news - 1/4/16 (in the last parliament) there was an attempt by George Osborne to change the tax rules relating to accommodation buildings and council tax. This was "almost" immediately withdrawn thanks to the Telegraph newspaper and further intervention by Eric Pickles. You can see this telegraph article of 18/02/17 web address here. (The change was withdrawn almost immediately) [Telegraph Post](#)

If you are considering building something a bit more than a shed in your garden you will need to know about this subject. I must have been involved in answering most if not all of your questions. These questions come from everywhere in the UK. In the last 12 months alone there have been 61,539
visitors to this page spending on average more than 4.4 minutes. You are not alone! May 2017 was the record month so far!

For sample plans or more information about how to negotiate this minefield "yourself". email with a brief overview of your proposed project / idea. I answer most specific questions by email (same day).

Planning Application Service

Our formal planning application service (if required) includes - site survey, application management (including full set of drawings and all necessary specifications). Our charge for this planning permission service through to issue of formal permissions is typically £800.00. If Building Regulation compliance is also required we can manage this process including any constructional specifications, drawings and structural calculations to sign off and certification - the total cost for this package is typically an additional £2-3K.

Council Tax and Granny Annexe Planning (recent history)

Sir Eric Pickles announced (some time ago) help for families wishing to provide Granny Annexe accommodation. This help was in the form of reimbursing councils for loss of council tax on new ancillary dwelling units. This has helped clear up the objections councils had for this type of accommodation. You can see the government announcement the link is here

> Recent government statement on Granny annexes

The PD (Permitted Development) newest changes (see below) are governed by law. This information is up to date. For info about house extensions see: "Planning portal latest update - (class E applies) - pdf free download is here> updated technical guidance The most relevant changes further streamlining the planning process came into force on 25/6/2016.

My comments on the most recent changes:

It is interesting that these on-going changes have reinforced a softening in the approach to accommodation for elderly relatives or teenagers. It does however make it clear that additional accommodation for RENTAL - "beds in sheds" is NOT included. (the key here is that the new development should be "ancillary to the main property") i.e. if your proposal is family related and to provide more living space for family that is fine - renting for income is different.

Some councils mainly around London say kitchens and bedrooms are not allowed - however this is not correct. (see - Accommodation Buildings Anomaly ) (important if you are unsure - but what is there comes with a warning "I have been quite graphic" in my explanation!).
On 06/02/2017 an individual who rented an annexe now in his 5th year of occupation contacted me - he received a council tax bill for £5500. This point is not easy to find and now landlord and/or tenant face the unexpected bill and the ongoing costs. The law is simply not clear enough.

Changes to the rules

Keeping in touch with all changes my conclusion remains that our governments continue to recognise that families need to extend without having to move home. This is good news for those wishing to develop their existing home and of course for small builders. The introduction of a "neighbour consultation scheme" makes a lot of sense but needs to be updated. The key issue is that a garden building development for residential use must be "ancillary" to the main property and certainly so if it is to be used as additional living accommodation.

More news on Granny Annexes

Sir Eric Pickles (during his period as communities secretary) originally made his statement about making it easier to obtain permissions to develop living annexes as part of your own home. This was driven by the economic need to provide more housing. The proposals represented a whole lot of common sense and were aimed at benefitting families considering options for offspring and for elderly care. It is now quite normal and has somewhat filtered down to the planning regime which traditionally catches up slowly.

In any case the debate is where it is. All recent changes reflect the trend confirmed by our own enquiries and questions received from readers of this page.

Here is an IMPORTANT statement which may be helpful:

Clarification regarding granny annexes in particular. I understand there may be some confusion, but so long as they are still within the size constraints of the garden out-buildings set out in Class E of the GPDO, the use of the outbuilding as a granny-annex is not relevant. The test is whether the use of the proposed outbuilding is incidental to the use of the house. So long as it is an annexe (i.e. essentially another part of your home), and not a separate dwelling (or other use that might create a separate planning unit), it is permitted development. Permitted development rights are reduced by being in Conservation Areas only (i.e. article 1(5) land); location within green belt or any reference to kitchens and bathrooms is irrelevant. It is not available to build for rental and additional income. (All of this makes sense) Clarification on this is here:

Accommodation Buildings Anomaly (important if you are still unsure.)
The government wants planning to be easier as part of their economic strategy. The councils are keen to generate revenue from additional council tax. Both issues here are easy to understand and occasionally this creates some conflict.

This page concentrates only on planning and building regulations for detached back garden buildings of any type including garden studios for living / sleeping over. Our own business is consulting, designing and project managing full installations. We also provide Planning application services and advice to clients in the research phase of their project and preparing the documentation (designs, plans and constructional specifications for other builders).

**Trends - Garden Studios, Granny Annexes and Garden Accommodation Buildings**

As enquiries about accommodation buildings in particular granny annexes are growing fastest, we have prepared example plans for buildings of which provide full accommodation facilities at project cost between £28,000 and £60,000 (depending on spec / size). If you would like to receive specific info about design and process - send email to me at richardgrace1@gmailcom Including a brief description of your project (purpose and envisaged facilities).

Editable sample plans, drawings and documents are available for £150 each. (saves time and cost in starting from scratch) - Please send house number and postcode + brief description for sample editable plans (scaleable for application purposes). To see the government paper and mini-guide without our comments + other sources please follow more links in the side bar. To read about running a business from home in a garden building - legislation, taxation change of use etc. see our Running-a-Business-at-Home link.

**About the permitted development rules 2008**

Planning rules remain somewhat ambiguous / subject to some local interpretation particularly in relation to size, eaves height and proximity to your boundary. For buildings up to 30 sq m permission is not normally required.

In some cases it is better to apply for permission or obtain a "letter of conformity" - rather than take a risk or accept a design simply to comply with an interpretation of the "permitted development" rules. If you wish to make a planning application or seek a letter of conformity we are able to assist.

This whole process has been made somewhat easier as all authorities accept on-line applications through the planning portal which works well (and recently passed more than 1.8 million applications). "Well done guys this has saved an enormous amount of paper" (in their words):
"if stacked up would be more than four times higher than the world's tallest building, the Burj Khalifa in Dubai, or the same height as seven Empire State Buildings with Canary Wharf on top"

Regarding the planning portal we can confirm it works well and helps.

**Important Check your proposal with neighbours:**

By far the most important planning issue remains - "how your project will effect your neighbours". You simply need to ask yourself "is the proposed new building and its intended use reasonable" and furthermore "does it affect your neighbours enjoyment of their own property".

You should consider carefully - any change to traffic patterns, noise and blockage of light (ask yourself these questions) and then talk with your neighbours. Put simply if you have a problem with planning permission it is usually a neighbour issue. In every formal application neighbours are consulted and it is the duty of planners to take this into account. This makes sense! You have these rights to develop in your garden and the planners are there to make this easy.

Here are ALL the 2008 Permitted Development rules (up to date) with my explanation of how they apply to buildings in your garden - Government statements in grey my own comments in black.

**Planning Permission and Permitted Development Rules in FULL**

*The comments are written by (myself), and qualified by communications with planners nationwide.*

*The current planning guidelines relating to Garden Buildings issued by central government are shown in grey colour like this!*

Nearly everyone is concerned about planning issues. We are in a good position to advise (having discussed these issues in relation to more than 2500 garden building projects throughout the UK with both clients and planners).

**Note / Disclaimer:**

We cannot take responsibility for any dispute that may arise. If in doubt you should check yourself with your local planning authority and if necessary seek a letter of compliance for your project. In any case we would advise against going ahead without planning permission if your project was either in
contravention of the rules or clearly detrimental to your neighbours enjoyment of their property. There is a retrospective route but this can be quite stressful.

**Here are all the rules with my comments:**

I am re-stating first:

"Planning permission and Building Regulation compliance are separate issues" Both are dealt with by different government departments. Planning covers positioning, design, height etc. Building regulations cover safety, structural strength and energy use.

*See list in Building Regulations section also below:*

**Government Statement - Rules governing outbuildings apply to sheds, greenhouses and garages as well as other ancillary garden buildings such as swimming pools, ponds, sauna cabins, kennels, enclosures (including tennis courts) and many other kinds of structure for a purpose incidental to the enjoyment of the dwelling house.**

We are interpreting this to include Garden Offices, Garden Studios, Garden Rooms, Leisure Buildings, Granny Annexes etc, Ancillary buildings etc. Our thoughts on the reason for the official statement not being so specific are that the government has to leave space in the general guidelines for local interpretation.

**Government Statement - Other rules relate to the installation of a satellite dish, the erection of a new dwelling or the erection or provision of fuel storage tanks.**

This seems to be clear you cannot erect a new dwelling for separate sale in your garden without planning permission. This certainly prevents the division of your property and the sale of part of it with dwelling house rights and without full planning permission. We do know that Granny annexes and lodges (sleepover buildings) are treated in a different way by planners in different parts of the country. The key word is "ancillary" so if you make contact yourself always make it clear that your development is "ancillary" to the use of the main property.

**Government Statement - Under new regulations that came into effect on 1st October 2008 outbuildings are considered to be permitted development, not needing planning permission, subject to the following limits and conditions: No outbuilding on land forward of a wall forming the principal elevation.**
Quite clear, if you take into account these guidelines you can build in your side or back garden without applying for planning permission. However you cannot build in your front garden without planning consent. The definition in the guidelines here could be expanded to mean closer to the highway at the front of your property. Reason The local authority may need to change the highway. Further to this interpretation our advice is that you should always take into account the effect on your immediate neighbours of any development.

**Government Statement - Outbuildings and garages to be single storey with maximum eaves height of 2.5 metres and maximum overall height of four metres with a dual pitched roof or three metres for any other roof.**

This is very confusing but here is our attempt to make sense of it. You cannot build a two storey garden building without planning permission. In the case of a conventional gabled roof the eaves height should not be higher than 2.5m. The planning portal mini guide shows the eaves height and final roof height are different by the thickness of the roof e.g. it is ok to start the "barge boards" at 2.5m and reasonably go over this to the total height say 2.7m to accommodate insulation (makes sense). A hipped roof can have different pitches on the ends and sides but the eaves should not exceed 2.5m. The highest part of the roof should not exceed 4 metres in any case.

In a sloping garden the maximum height measurements are measured from the highest point of the land on which the building stands. We have met situations where local planners interpret this in a different manner however our experience and written communications with government confirm our interpretation to be correct.

In 2013 we designed a new roof system which complies and is not flat. A curved roof developed by ourselves in conjunction with Tata-Steel this new roof offers a real alternative to flat roof garden office with a span up to 5.6m and height of 2.5m centre with 2190mm head height internal. This is a warm roof system 139mm thick including 100mm urethane (kngspan type insulation) with 30 year no leak guarantee. installation and photo detail available from richardgrace1@gmail.com more on website in a few weeks at launch. The same material works well on all pitched roofs and operates effectively at low pitches down to 3 degrees.

**Government Statement - Maximum height of 2.5 metres in the case of a building, enclosure or container within two metres of a boundary of the curtilage of the dwelling house.**

Any confusion now cleared up with newest explanation on portal see (mini-guide link below) (examine point 8) If you build an outbuilding closer than 2 metres to your boundary no part of it must be higher than 2.5m. Planning
permission will be necessary if so, however where a taller building closer than 2 metres seems reasonable to neighbouring properties there should be no reason for refusal. There are many sites where it is better to apply for permission.

**Government Statement - No verandas, balconies or raised platforms.**

Seems clear and makes sense in relation to balconies and raised platforms. The building should not include balconies or raised platforms because in many cases neighbours privacy would be threatened by such structures. Where neighbour privacy would not be threatened then we see no reason why planning permission or letter of consent should not be given but it is best to check. With regard to verandas the word of course can be used to describe a balcony or raised platform it certainly does not mean you cannot have a roof over a seating area at ground level.

**Government Statement - No more than half the area of land around the "original house" would be covered by additions or other buildings.**

Very clear and makes sense. Taking into account all of the land except the footprint of the house you cannot cover more than 50% with outbuildings. We have come across situations where this applies but only in very small gardens.

**Government Statement - To be permitted development, any new building must not itself be separate, self contained, living accommodation and must not have a microwave antenna.**

Very clear regarding the microwave antenna and makes sense. Regarding self contained living accommodation not so clear. Our interpretation is that this is to prevent properties being used in a way which would allow the bending of taxation rules. We are asked on many occasions if it is ok to build an outbuilding in the garden where our son, daughter, granny or other family member can live. From a technical standpoint the answer is yes of course. It would not however be fair on existing neighbours to exploit this by building multiple structures taking the property beyond the use "family dwelling" for which planning permission was granted in the first instance. So our view is that common sense must prevail until this becomes clearer.

**Government Statement - In National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites the maximum area to be covered by buildings, enclosures, containers and pools more than 20 metres from house to be limited to 10 square metres.**
Very clear and makes sense. You can't put up large structures using permitted development rights in these designated areas if they are more than 20 metres from the house.

**Government Statement -** On designated land* buildings, enclosures, containers and pools at the side of properties will require planning permission.

Very clear and makes sense. You can't put up structures using permitted development rights at the side of your property in these designated areas.

**Government Statement -** Within the curtilage of listed buildings any outbuilding will require planning permission.

Totally clear if you live in a listed building then you have no permitted development rights.

**Government Statement -** “The term "original house" means the house as it was first built or as it stood on 1 July 1948 (if it was built before that date). Although you may not have built an extension to the house, a previous owner may have done so.

*Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Sites.

This means that in a conservation area you have no permitted development rights. Please note: the permitted development allowances described here apply to houses not flats, maisonettes or other buildings. Seems to be clear.

**Building Regulations**

As previously stated Building Regulations are **totally separate** from Planning issues however when considering Garden Buildings the following Building regulations need to be taken into account. (Key * = sometimes, ** always

- Part A Structure *
- Part B Fire Safety *(my own view is that this should be always)
- Part C Site preparation and resistance to moisture
- Part D Toxic substances
- Part E Resistance to the passage of sound *
- Part F Ventilation
- Part G Hygiene *
Here are my comments on the most important issues relating to Garden Buildings and Structures: (Same format as planning section)

Government Statement (this statement has changed recently) - If you want to put up small detached buildings such as a garden shed or summerhouse in your garden, building regulations will not normally apply if the floor area of the building is less than 15 square metres.

If the floor area of the building is between 15 square metres and 30 square metres, you will not normally be required to apply for building regulations approval providing that the building, contains NO sleeping accommodation and is either at least one metre from any boundary or it is constructed of substantially non-combustible materials.

Still not that clear but here goes: This is almost certainly a volume related statement and brings into play two things:

1. The Building Regulations in relation to the spread of fire "which dates back to the fire of London in 1666". i.e. more volume = more risk involving spread of fire to neighbouring properties. For example you may wish to conserve garden space by building close to your boundary, your neighbour may also do the same in which case there would not be a sufficient gap between the two buildings. The statement is not that clear but does make sense in that if the building footprint is more than 15 square metres then the building which has significant volume (over 15 square metres) must be at least one metre from your boundary. Or - you must be able to demonstrate it is constructed of substantially non-combustible materials.

IMPORTANT:

1. This is not a planning issue as we are already aware (see above) the planning restriction in relation to boundary proximity is that the height of the structure if nearer than two metres to the boundary is restricted to 2.5 metres roof height - presumably to ensure there will not be neighbour issues about restricting light.

2. The regulations exemption table see: Exemption Table seems to be aiming towards energy conservation in that buildings over 15 sqm but
not more than 30 sq. m could require energy saving measures (Part L) if the building is intended for regular use. This seems to take some account of the fact that many Garden Buildings are used as a Studio or office / place of work / accommodation. In all of these cases it makes sense to provide energy saving insulation.

3. Regarding the statement "contains NO sleeping accommodation":
This is just not clear - here is my interpretation:

4. This was originally the subject of Housing Minister Grant Shapps so called "Beds in Sheds" review that the Government don't want householders to rent out sheds as accommodation. (Announced on the Planning Portal 3/05/2012 and still no change). This seems perfectly understandable.

5. If the building has a "bedroom" then it must be safe to protect against fire and anything which is life threatening for people whilst asleep (this is simply common sense). No legislation of any type exists to stop anyone sleeping in your garden, in a tent, your garage, a shed or an annexe.

However -- it does make sense to ensure that any regularly used accommodation building is safe for people whilst asleep. So my view is that is particularly bad wording - there is no such thing as a clear definition of what is sleeping accommodation. I have researched this and neither are there any rules laws or guidelines regarding where a human being may fall asleep.

Let common sense prevail. We have noticed over recent years a massive increase in enquiries for outbuildings with sleeping accommodation driven by economics - I guess this is no surprise!

Throughout this document I have stressed and re-stated the importance of not upsetting neighbours. Martin Goodall a specialist-planning lawyer has written an interesting article this subject. He talks about the current statements regarding the use of outbuildings as a legal anomaly.

You can read his contribution here Legal anomaly over the use of outbuildings (the eleventh commandment)

Other Important Issues about safety

Outside of this specific statement there are some very important issues to consider regarding garden buildings and building regulations in general:

1. Any electrical system in a garden or garden building should and must comply with building regulations Part P and must be installed by a competent / qualified person. see my blog post at Garden Office and
Studio Electrical Safety article (a review of what is involved written in a non-technical way)

2. Any plumbing (toilets kitchenettes showers etc.) should be correctly installed so as to operate hygienically in relation to waste disposal. see my blog post at Garden Studio and Office Plumbing article Alternative drainage solutions are detailed here also.

3. Any Gas appliance must be installed by a competent / qualified person.

4. Any wood burning stove, fire or heater installation must comply with building regulations and must be installed by a competent person.

Local knowledge

We have built Garden Buildings, Garden Offices, Garden Studios, Garden, Rooms and Garden Accommodation Buildings all over the UK. Here is a list:


Planning Permission and Permitted Development written By Richard Grace Project Director Garden Structures Bracken House CH4 6LB email richardgrace1@gmail.com
Consultancy and pre-planning advice services available from us

Services including planning advice, architectural drawings and specifications, structural engineering / thermal efficiency calculations, supplier selection and project management. If busy we can recommend alternative sources.

You can ask your local authority for Pre-Planning-Advice directly and speak to a planning officer, to get the best out of this. My advice is to be completely prepared with drawings and proposals having talked firstly with your neighbours. For a visit most authorities make a charge of around £200 - £300. They cannot at the pre-planning stage tell you if your project will succeed.

You can read "My amazing 3 hour visit to a London Planning Office" Check out my blog post at My Battle with Planners - South London This is a blow by blow account of a very difficult situation.

I hope you found this page useful. If you have comments please let me know - Thanks - Richard - please send comments direct to richardgrace1@gmail.com

In any case I hope it helps clarify a few things.

There is - recent news on this topic here with my comments @ telegraph.co.uk  <-- link to recent "Lady in the lodge debate" regarding planning permission for accommodation buildings in gardens. Debate started Feb 2017.

The Lady in the Lodge: soaring property prices drive rise in ‘posh’ lodges at the bottom of gardens, experts say

My comments:

I have read this article + commented on-line of course. For years I have studied this market / spoken to many hundreds of people looking for garden accommodation for a solution to family situations. + Designed and built many such projects. The law still needs to be clarified in this way with regards to permanent additional detached living accommodation in gardens: (living annexes / ancillary accommodation buildings).
• The permitted development rules need to be revised, clarified and simplified in respect of additional accommodation buildings in gardens. As any new legislation always takes time an interim guidance statement is needed urgently. (Simply because the demand rises and the current law remains NOT clear enough)
• The taxation rules need to be made totally clear now and of course following any new legislation. This is much easier of course.
• The installation of temporary structures is far clearer and requires no comment from myself.
• The Building Regulations rules are separate and totally clear i.e. no problems at all here. If a detached garden building is over 30 sq metres in footprint then the regulations apply.
• Further to all this – a new neighbour consultation scheme should be introduced. Noise and traffic are always a concern and it should be clear that such development is not for rental and generation of income, unless of course the building is specifically approved for this purpose.

email questions to: richardgrace1@gmail.com

For additional clarification on "ancillary" accommodation buildings only - download pdf below: This is currently not operated in a uniform way by different local authorities. >>

Read about how difficult obtaining planning permission for an annexe is (sometimes) my epic battle for planning permission click on this picture: It is an epic but true! Guess who won? (5 minute read)

More downloads here:

Note: on ancillary buildings.pdf

This complete document in.pdf

Next step is to make your own check list with action points here is a "strawman" template / form your link is here:

Your next step is here: (the on-line forms) Thanks for visiting (your comment / feedback is always welcome and appreciated)
> richardgrace1@gmail.com

Additional links (free) "printable forms/check lists" to help with your garden building project: Downloads below:
Project Form.pdf (basic list of starter items a printable form)

Project Form 2.pdf (2nd list for further details a printable form)