



## Our legal duties as property owners

We are lucky to live in a beautiful Conservation Area with a range of distinctive buildings. Thoughtless and insensitive alterations make the area less attractive, so most changes to our homes require planning permission. Fines may be levied on those who fail to apply.

### Building work

Apart from some small changes allowed under 'Permitted Development', all building work requires two types of permission. These can take some time to be granted so think ahead. You need both:

- *Planning Approval* – of your building plans. The council website explains what is allowed under permitted development, and lists all the local planning applications. Planning consultants can be helpful if you think that what you want to do might be problematic. Planning applications are normally accompanied by drawings – which usually have to be professionally produced – and a 'Design & Access Statement' which describes the property, what you want to do to it, and how it complies with council policies.
- *Building Regulations Approval* – to ensure that the building is structurally safe and complies with standards on insulation, plumbing, electrical work etc. When work has been done, you need to get a completion certificate from the inspector to prove that the work meets current regulations.

### Documentary evidence of planning permission when selling a house

When you sell a property, you have to produce all the Planning Approvals and Building Regulation Certificates relating to the property. You can apply for retrospective approval if this requirement was overlooked at the time.

### Listed buildings

Buildings are 'listed' to preserve the country's architectural and historic heritage, and the council keeps a listings register. Listing encompasses the whole building (inside and out) plus everything fixed to it, and all buildings and structures in its grounds. Listing can enhance the value of the property, but you are obliged by law to make a Listed Building Application for all building work (other than routine maintenance), to ensure that methods and materials are appropriate. Failing to apply is a criminal offence and any buyer of a house with unauthorised changes is at risk of prosecution too. Selling such a house may be very difficult.

The Listed Property Owner's Club (LPOC) is a useful resource. Its advice service is dedicated to listed buildings, its website [<https://www.lpoc.co.uk/>] is comprehensive and it can help with retrospective planning applications.

### Trees

All trees (defined as being more than 7.5cms in diameter, measured 1.5m above the ground) in the Conservation Area are protected. You are not allowed to prune or fell a tree (even if it is dead) without permission – but the application can be done by your tree surgeon. You may be fined and forced to plant a replacement if you ignore the law.

### Vegetation must not hang over the pavement

A property owner has a duty to not obstruct the highway, which includes not only right of passage but also the view of drivers and the light from street lamps. There should be clear headroom of 2.3m (7ft 6ins) over the pavement and 5.2m (17ft) over the carriageway. Don't forget that trees and shrubs droop considerably when they are wet.