

Guide to the need for planning permission¹ for swimming pools in gardens

General

From 1st October 2008 the planning rules relating to extending residential properties have changed.

Permitted development rights for householders remove the need to apply for planning permission for relatively small-scale and uncontentious types of home improvement and alteration. The Government considered that the previous permitted development rights needed review to ensure the scope of permitted development is primarily determined by its impact on others, give householders greater freedom to extend their properties without needing them to apply for planning permission and reduce the burden on local planning authorities by removing unnecessary planning applications from the system.

Flats do not benefit from permitted development rights

The new rules will increase the amount of work that can be done without having to apply for planning permission by allowing certain types of uncontentious development to proceed. The new rules will not allow everything to proceed where it previously could have done because there are now clear limits and conditions as to what is permitted development. These changes will not prevent people building an extension or an outbuilding; they will simply ensure that they are built in a way that does not impact significantly on others

Outbuildings, Enclosures, Swimming Pools and Oil and Gas Containers are covered by Class E

Such development is “permitted development” (i.e. no planning application is required) subject to the following limits and conditions:

- No building, enclosure, pool or container forward of the principal elevation fronting a highway.
- Buildings 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.
- Maximum height 2.5 metres within two metres of a boundary.
- No verandas, balconies or raised platforms.
- Maximum 50% coverage of land (i.e. garden) around the "original house"² can be covered by additions or other buildings.

¹ This guidance only relates to England.

- In National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites the maximum area to be covered by buildings, enclosures, containers or pools more than 20 metres from house to be limited to 10 sq. metres.
- On designated land³, buildings, enclosures, containers or pools at the side of properties will require planning permission.
- Within the curtilage of listed buildings any outbuilding will require planning permission.

To be sure that the proposed pool/enclosure/outbuilding is permitted development contact with the local planning authority is recommended prior to the commencement of works.

Whether or not the works need planning permission they will almost certainly require Building Regulations Approval – this is separate to the planning process. Consultation with the local Building Control body will be required.

Further Information

See the planning rules on the Planning Portal at
<http://www.planningportal.gov.uk/england/genpub/en/1115315233153.html>

John Silvester
Publicity Officer & Spokesperson
Planning Officers Society
www.planningofficers.org.uk

² 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.

³ "Designated" land includes national parks and the Broads, Areas of Outstanding Natural Beauty, conservation areas and World Heritage Sites.