



AUTHOR / KEY CONTACT

Get Fit for Your Planning Permission



In the New Year, we're often bombarded with fitness messages. But have you considered how ready you are to engage with our overstretched and creaking planning system? Our planning and infrastructure teams provide proactive legal advice to help businesses succeed in development projects, diversifications and expansions.

Project Management

Engaging with the planning system is more like a "Three Peaks Challenge" than a sprint. First, assemble your professional team, budget your resources and nail down your strategy.

What is the vision of your development or project? Will it create jobs, expand a successful business, or enhance the environment? Could it provide a new, warm and safe home for a vulnerable person, a young family or a senior citizen?

Planning is a human and political system operating in the public sphere; don't let the inevitable frustrations boil over if it will sour your relationship with the decision-maker.

What can you reasonably do to ensure your application is put at the top of the planning officer's mountain of applications? Go the extra mile, it's never crowded.

Have you the resources, land and knowledge required to deliver requirements like statutory biodiversity net gain ("BNG") or highways and access improvements?

Legal Input into Planning or Development Projects

Key legal issues that may require legal advice include:

- Are you able to comply with the planning use and conditions, and will these support your business goals?
- Is there a planning obligation (known as a section 106 legal agreement) requiring a financial contribution or restriction on the use of the property or land from you? When, what and how much is required? A

solicitor can negotiate a favourable legal agreement.

- Are you aware of legal constraints relating to works to or in the proximity of listed buildings or conservation areas?
- When does your liability arise to pay financial contributions or the payments under the Community Infrastructure Levy?
- Are there any outstanding planning enforcement notices relating to the land?
- How can planning permission be varied or amended effectively?

Managing Risks

Occasionally, your business may face a challenge such as a planning appeal, enforcement action or a complex judicial review of a planning decision. Examples of some of the real risks here are:

- Losing the benefit of your planning permission or right to develop.
- Loss of the practical benefit of land or buildings used for your business.
- Paying a financial contribution twice.
- Involvement in a complex planning appeal or High Court hearing.
- Facing a criminal prosecution with an unlimited fine or imprisonment.

Key Takeaways

- Obtain legal planning, infrastructure or environmental specialist advice immediately, as the outcome may be crucial for your business plan and objectives.
- Act fast – for adverse decisions, the timeframe to appeal or file a legal challenge is often short—28 days to six weeks.

As with any New Year's resolution, success in planning relies on preparation, determination, and the proper support. You can turn challenges into opportunities by getting "fit" for the planning process—assembling your team, staying proactive, and seeking expert advice.

Get in Touch

Matt Gilks is a Partner in the [Planning & Environment](#) team at Lester Aldridge. Our independently ranked eight-strong team is dedicated to resolving planning issues swiftly and cost-effectively. For further advice or to discuss your project, get in touch with our team at online.enquiries@LA-law.com.