

# PRESS RELEASE

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### SOLICITORS

***Q: I'm a gardener and have just received my first commission to redesign a garden in a Conservation Area, what planning issues do I need to take into consideration?***

**A:** Planning guidelines on landscaping are not as well defined as those concerning domestic dwellings or garden buildings. Conservation Areas create additional issues restricting work that, in another area, would be acceptable. For instance: work relating



to trees may require written permission from the local authority to reduce the crown - let alone completely remove – probably involving a visit from the tree preservation officer who will specify what you can and can't do if it impinges on the 'visual amenity'. This applies whether the tree is self-seeded or one rooted in your neighbour's ground that is blocking your light. Equally, planting schemes may contravene planning issues in a Conservation Area where consideration for native specimens indigenous to the area will take priority.

Conservation area authorities have their own regulations on what materials can be used for hard landscaping, and if party walls are involved, then the regulations can be even more complex.

Since the law changed in 2008, planning permission is required to build decking, which covers more than half of the entire garden or if raised to a height of more than 30cm above ground, whether or not the work is in a Conservation Area. If the garden belongs to a flat, maisonette or other building, planning permission is necessary. You will always need building regulation consent.

If the redesign includes a garden building then you must seek planning permission, which will involve both Planning and Conservation Departments. And if you are

entirely or partly demolishing a wall or outhouse you may well require consent from the local authority.

In a Conservation Area or Area of Outstanding Natural Beauty planning rules are applied to protect the look and feel of an area (visual amenity), so are specific to the area. To ensure what rules apply to the area you are working in, conduct research at the local planning office, or better still, convene a site meeting for an informal opinion with the local conservation officer, tree preservation officer, and the planning officer.

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