

## **Planning permission** – childminders in England

**Disclaimer** - I hope you find this information useful. Please remember that it is guidance only. I am not an expert in planning permission law. If you need further information about planning permission, I advise you to contact your LA to find out how they translate the guidance. There are specialist planning consultants who might be able to advise you (fees will apply).

The requirement to check whether or not you need Local Authority planning permission to work as a childminder varies depending on your LA rules.

In theory, every childminder needs LA planning permission to operate a business from their premises. However, the Department for the Environment advised LAs in 2005 that childminders do not *normally* need to apply for planning permission.

The guidance on planning permission for childminders can be found in the document 'Planning Policy Guidance 4: Industrial, commercial development and small firms', (document PPG4; Crown Copyright 2006) which states,

*'The use by a householder of a room as an office, or childminding complying with the Department of Health's standard recommended ratios, would be unlikely to mean that the character of the house's use as a single dwelling had ceased and would not normally require planning permission.'*

Note that document PPG4 has been superseded by 'Planning Policy Statement 4: Planning for Sustainable Economic Growth' (document PPS4, Crown Copyright 2009) but this guidance does not mention childminders.

The document 'Planning Permission – a guide for businesses' (Crown Copyright 1998) states -

*'You do not necessarily need planning permission to work from home. The key test is whether the overall character of the dwelling will change as a result of the business. If the answer to any of the following questions is 'yes', then permission will probably be needed:*

- *Will your home no longer be used mainly as a private residence?*
- *Will your business result in a marked rise in traffic or people calling?*
- *Will your business involve any activities unusual in a residential area?*
- *Will your business disturb your neighbours at unreasonable hours or create other forms of nuisance such as noise or smells?'*

As a general rule, as long as your LA follows this guidance and you keep to the '6 children under the age of 8' rule stated in the Early Years register (EYFS) you do not need to apply for planning permission from your LA.

However, remember that these documents are guidance rather than law and all Local Authorities are able to make up their own rules. If you are in doubt then you should ring your LA and ask their advice. If you are concerned about 'flagging yourself up' - especially if you think you might be operating illegally at the moment - you can usually ask advice without giving your name.

### **Applying for planning permission**

If you want to do something other than care for 6 children under the age of 8 (or in some LAs 6 children in total) such as work with higher ratios because you work together with a co-childminder or employ an assistant, work from a listed building or, for example, if you want to start work early and finish late (causing possible noise and disturbance to neighbours) then it is very likely that you will need to apply for planning permission.

If you need planning permission and you do not apply (or if it is not granted) you will be working illegally and you will not be covered by your childminding insurance. You will be failing to comply with the Childcare Register (2012) requirements which state, '*All childcare providers must also comply with other relevant legislation including ... planning requirements.*' You also run the risk of losing your business if a complaint is made against you and you are found to be working from home illegally.

Some information about planning permission applications -

- Costs vary - childminders report paying between £300 and £500 to apply.
- You will have to fill in a complicated form which covers how you minimise disturbance, ensure cars do not cause a nuisance etc.
- A local sufficiency audit might be undertaken by your LA to consider whether there is a local need for the service you provide.
- Your house deeds will be checked. They must allow to you run a business.
- Your LA will write to your neighbours and ask about the impact of your business on their lives - they will be given the opportunity to refuse your planning request

Waiting times vary - but you will normally have a decision within 2 months of applying. During this time you must **not** change your ratios.

Some childminders report that planning permission has not been granted because the sufficiency audit showed a lot of nurseries in their local area. In one instance, the childminder was refused permission to work from her home after going through the planning permission process because neighbour complaints were unanimously against her expanding her business - so it is not something which should be undertaken lightly.

If you fail to comply with planning permission requirements Ofsted are likely to close you down for investigation. They can do this for up to 6 weeks while they gather their evidence, increasing the period by a further 6 weeks if required. I urge you to consider the impact this would have on your business.

### **Other considerations**

If you are granted planning permission there are other things you need to be aware of which might affect your business and future sustainability. These include -

- Some LAs treat childminders who care for more than 6 children under 8 (or 6 children in total depending on the LA) as a business and require them to pay a waste management fee. This is more likely to apply if you have been granted planning permission.
- You might be required to pay business rates. This will affect the re-sale value of your home because it will be registered as a business.
- Your gas, electricity, mortgage, insurance, water and other utilities might charge you extra to run a larger business from your home.

**Note** - if you intend changing the use of your house so you, for example, use the downstairs for childminding and the upstairs for living, you will need building regulation approval.