

Waltham Forest Early Years Guidance

Planning and Building Regulations

Please be advised that **Building Regulations** and **Planning Permission** are two different things that you may need to obtain approval for.

Planning requirements

If you wish to set up a childcare business, you may require planning permission, particularly if you intend to:

- Change the use of a building to a day nursery, crèche or playgroup
- Erect a new building
- Undertake external building work including extending existing buildings
- Carry out other works around the building, e.g. putting up a children's playground or portacabin
- Make internal or external changes to a building that is listed as being of special architectural interest.



Planning Classes of Use

Planning Approval to operate childcare from premises.

To operate a childcare provision on non-domestic premises, the premises must have a current planning approval for Classes E(e-f) and F1. Class E and F were introduced from 1 September 2020 to replace D1.

- You must ensure that the premises you are operating from has the correct planning use approval.

- If the premises do not have the correct planning class of use, it is illegal for you to operate a childcare business from the building. You will need to apply for a change of use planning approval.
- If the premises do have the correct planning class of use, you must still check to see if there are any conditions attached to that approval that would not allow early years childcare to operate from there.
- The rules are different if you are a childminder looking to operate a childminding service from a residential home.

Important: Please be aware that as part of our process for new providers to be [commissioned to deliver the Free Early Education Entitlement \(FEEE\)](#), when completing your compliance check, the first thing you will need to provide is written evidence of a valid planning approval. We will be unable to begin evaluating your application until this part has been approved.

Childcare on non-domestic property

New proposed childcare providers

If you are proposing to operate childcare from non-Domestic premises, you will need to ensure that the premises have the correct planning approval in place.

Existing childcare providers

If you are proposing to expand your business in terms of child numbers, additional staff or any proposed alterations to the property to cater for an expansion, including extensions, you will need to check the current conditions of your consent with planning to ensure the use will remain lawful.

In all cases, you should [seek planning pre-application advice](#)

Planning Permission Application

This can take up to eight weeks or 13 weeks for major applications.

You also need planning permission for a range of building work, including minor work which may affect the look or use of your property.

You must get planning permission before you start work, otherwise the local authority may take action against you and you may have to knock down what you have built or undo changes you have made.

For further information and advice, [contact planning and building control](#). You can contact the **Duty Planning Officer** by Phone 020 8496 3000 or [email](#)

Childminders - Domestic Property

New proposed childminders

Planning permission will not normally be required to home work or run a business from home, provided that a dwelling house remains a private residence first and business second (or in planning terms, provided that a business does not result in a material change of use of a property so that it is no longer a single dwelling house).

The local planning authority is responsible for deciding whether planning permission is required and will determine this based on individual facts. Issues which they may consider include:

- whether home working or a business leads to notable increases in traffic
- disturbance to neighbours
- abnormal noise or smells
- the need for any major structural changes or major renovations.

Individuals wishing to become childminders should ensure that they check to see if any planning permission is required. All proposed childminders can [seek planning pre-application advice](#)

Under the section “Get pre-application advice if you’re a householder” there is advice regarding planning. The planning department recommend you first look at [planning portal](#), a national website relating to planning. Once you are on [planning portal](#) you will need to enter “Working from home” into the search field and click on that link. You will see a few questions that will help you decide if planning may be required.

If you are still unsure if there are any planning requirements, you will need to seek planning pre-application advice and consult with Waltham Forest councils planning department with regards to running a child-minding business from your premises prior to Ofsted registration.

We advise you to consult with Waltham Forest planning department with regards to running a child-minding business from your premises prior to Ofsted registration.

Existing childminders

If you are thinking of expanding your business in child numbers, additional staff or any proposed alterations to your house to cater for an expansion, including extensions, for the sole purpose of childminding use, you will be expected to consult Waltham Forest Planning department and [seek pre planning advice](#).

Planning Applications

Planners may look at the following areas:

Access/parking

- space for delivery vehicles
- spaces will be needed for drop-off and collection of children
- Access to the site from the road – could it cause congestion?
- Will it increase the flow of traffic along a well-used road?
- Is access off the road at a dangerous point along the road?

Surrounding neighbours

- Their views – often noise created by children is a concern in residential areas be prepared for resistance to your proposals, consider consulting informally with neighbours before applying.

Converting a domestic premise to a childcare facility

- check on the local authority's policy relating to this
- conversion of an entire house may be restricted

- the type and size of house may cause restriction on the number of childcare places you can offer
- Planning permission may be granted on a time-limited basis subject to review (this could have serious implications for running your business).

Using primary shopping frontages

- the loss of retail use may be resisted
- space and access to outdoor play areas may be difficult in retail areas
- appropriate security could be an issue
- parking could be an issue

Access into the building

- the local authority will have regard for people having equal access
- good design is essential to ensure access into and around the building
- check your responsibilities under the Disability Discrimination Act

Saturation

- the number of other such uses in existence in the local area may have an effect on whether planning permission will be granted
- May be restricted use where planning permission is granted. e.g. for a day nursery, where this may be the only use possible within D1 class
- planning permission may limit the number of children that can be cared for
- Hours of use may be limited to avoid disturbance to local residents.



These are just some considerations and are intended as a guide. You will need to discuss with the planning department.

We do advise you to consider employing a suitably qualified planning consultant to assist you with this type of planning application if necessary.

Building Regulations

Building regulations are standards for designing and constructing buildings to make sure they're safe and healthy for people who use them.

The Building Regulations contain various sections dealing with definitions, procedures, and what is expected in terms of the technical performance of building work. For example, they define what types of building, plumbing, and heating projects amount to 'Building Work' and make these subject to control under the Building Regulations.

Building Work

Building work could be defined as any one of the following projects (this is not an exhaustive list and you will be expected to check with the building regulations team)

- the erection or extension of a building
- the installation or extension of a service or fitting which is controlled under the regulations
- an alteration project involving work which will be relevant to the continuing compliance of the building, service or fitting with the requirements relating to structure, fire or access and facilities for disabled people
- an alteration to the external thermal element of the building
- the insertion of insulation into a cavity wall and
- the underpinning of the foundations of a building.

You may also need to apply for building regulations approval for other things such as:

- A change of use of a building (e.g. change of planning use class), related to fire safety.
- Changing the heating system
- Electrical works if they are not self-certified and accredited via Building Regulations accredited schemes.
- Window replacement if the contractor is not FENSA certified.

Please visit [Planning portal for building control](#) for further information.

What you need to do

You must check if building approvals are required for the work you are considering at your premises by contacting Waltham Forest Building Control. You can contact the [Building Control](#) by Phone 020 8496 3000 or [email](#)

The L.A will need to ensure you have obtained the correct planning/building regulations approvals (if applicable) and as such you should keep a clear audit trail and copies of all relevant documentation. Failure to obtain the correct approvals will delay you if you are proposing to offer childcare in Waltham Forest and could affect any existing provider who is already under an EYFS Free Early Education Entitlement (FEEE) contract with the L.A in line with clause 5.4, 5.5 and 5.6.