

# 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. Both are explained in this guidance document.

### 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 (Class E planning class of use)
- 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
- Run a childminding business that operates from a residential home where you are looking to provide care to more than 6 children
- Expand an existing childminding business that you run from a residential home that will offer care to more than 6 children

**It will be your responsibility to check with the L.A's planning service and keep a record of any correspondence, as you will be asked about planning as part of our process for providers to be approved for Free Early Education Entitlement funding.**



## Planning Classes of Use

To operate a childcare provision on **non-domestic premises**, the premises must fall under **Class E** planning class of use. Class E is for Commercial, Business and Service.

<https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes>

Class E(f) falls under Class E and is for a Creche, day nursery or day centre (not including a residential use).

The rules are different if you are a **childminder** looking to operate a childminding service from a residential home and is referred to elsewhere on this guidance document.

## Childcare on non-domestic property

### New proposed childcare providers

If you are proposing to operate childcare from non-Domestic premises, before you purchase or lease a property, you must ensure that the premises fall under **Class E planning class of use** and that you have also contacted the L.A's planning service, to check if there are any planning conditions attached to the premises in case conditions imposed affect what you can operate from the premises.

<https://www.walthamforest.gov.uk/planning-and-building-control/about-planning-permission>

If the premises does not fall under Class E planning class of use, it is illegal for you to operate a childcare business from the building.

You will either need to apply for a change of use or find premises that already has Class E planning class of use. Always take advice from the L.A's planning service. They offer a number of ways for you

to check with them. <https://www.walthamforest.gov.uk/planning-and-building-control/about-planning-permission/talk-us-about-your-application>

Our service will need to ensure that the property has the correct class of use and that you have obtained any planning/building regulations approvals (if applicable), so please be advised that you must keep a clear written record of all relevant correspondence and documentation, as you will be asked to provide clear evidence before your nursery can be commissioned to deliver the Free Early Education Entitlement (FEEE).

### Existing childcare providers

If you are proposing to expand your business in terms of increasing capacity, or erecting a new building/extension, changing the external façade of a property, making internal or external changes to a building that is listed as being of special architectural interest etc, you should first check your existing planning consent to see if there are any planning conditions that would prevent you from expanding. This is to ensure that the use will remain lawful.

**In all cases**, you should contact the L.A's planning service to discuss. <https://www.walthamforest.gov.uk/planning-and-building-control/about-planning-permission/talk-us-about-your-application>

## Planning Applications

This can take up to eight weeks or 13 weeks for major applications, however if applications are missing information, then it can take considerably

longer. If you feel that you would not be able to make an application yourself, our planning service advise you to seek professional help.

<https://www.walthamforest.gov.uk/planning-and-building-control/about-planning-permission/get-professional-help>

For further information and advice, you can contact the **Duty Planning Officer** on 020 8496 3000.

## Childminders on Domestic Property

### New proposed childminders

Planning permission will not normally be required to 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).

However, please be advised that if you are looking to offer care to more than 6 children at any one time, you should seek advice from the L.A's planning service in case a planning application is needed. This is particularly important under the more recent DFE update allowing childminders to increase the total number of people (including childminders and assistants) who can work together under a childminder's registration. **Many people do not realise that the DFE have always advised that childminders must meet other statutory duties such as planning regulations and building control regulations.**

Individuals wishing to become childminders should ensure that they check to see if any planning permission is required. The L.A's planning service offer a "Householder Advice Service"

<https://www.walthamforest.gov.uk/planning-and-building-control/about-planning-permission/householder-advice-service>

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.

Planning applications can take up to eight weeks or 13 weeks for major applications, however if applications are missing information, then it can take considerably longer. If you feel that you would not be able to make an application yourself, our planning service advise you to seek professional help.

<https://www.walthamforest.gov.uk/planning-and-building-control/about-planning-permission/get-professional-help>

### 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 that would require planning consent (such as an extension), for the sole purpose of childminding use, you must check with the L.A's planning service. Please see information and advice under the "New proposed childminders" section.

# Building Regulations

Building regulations are the minimum national standards to consider when designing, altering and constructing buildings to make sure the buildings are fit and safe for the people who use them.

If a project being proposed or undertaken is deemed 'Building Work' (see below) then a building regulation application is required for the entire project. The building regulations consider the use and occupancy of a building relevant to matters such as structure, fire safety, plumbing, drainage, heating, insulation, and other matters. If the work you propose is considered 'Building Work', then you must contact an architect, surveyor or other professional agent to guide you through the process and tell you what you need!

## Building Work:

Building work could be defined as any one of the following projects (this is not an exhaustive list, so if in doubt you must check with your professional or the L.A's Building Regulations service)

- the erection or extension of a building
- the change of use from one building type to another, for example, to use as a public building (like a school, nursery or library), where previously it was not, or where the building is to contain sleeping accommodation where previously it did not. There are other changes of use to.
- the installation, alteration or extension of a service or fitting which is controlled under the regulations, like new toilets or providing facilities for disabled people.
- an alteration to the external thermal element of the building, like adding wall insulation or removing plaster beyond what could be called repair.
- the insertion of insulation into a cavity wall
- the underpinning of the foundations of a building.

- Changing the heating system – The installer MUST be a member of an accredited Government Competent Person Scheme.
- Certain Electrical works - The installer MUST be a member of an accredited Government Competent Person Scheme.
- Door/Window replacement if the contractor is not a member of an accredited Government Competent Person Scheme.

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

## What you need to do

If you believe your proposals may require Building Regulation consent, please contact a professional agent for further guidance your L.A Building Control service.

[Building.control@walthamforest.gov.uk](mailto:Building.control@walthamforest.gov.uk) Please note that we cannot give technical advice on your project, but we can guide as to whether consent is required.

The L.A's building control service also have a web site for further information. <https://www.walthamforest.gov.uk/planning-and-building-control/building-control>

Failure to have or obtain the correct planning or building regulations approvals will delay you if you are proposing to be commissioned by the L.A to deliver the Free Early Education Entitlement (FEEE).