

SMOKE FREE PREMISES AND VEHICLES REGULATIONS

PLANNING GUIDANCE NOTE

These Regulations are effective from 1st July 2007 and apply a ban on smoking in wholly and substantially enclosed workplaces.

It may be that premises will wish to provide areas for smokers such as shelters, canopies or other outside covered facilities. This Note provides guidance as to the need or otherwise for planning permission and other consents under the planning legislation.

The erection of buildings and other structures, including awnings and canopies, at pubs, restaurants, cafés etc, shops, offices and other commercial premises will, in most cases, require the grant of planning permission. However, in the case of industrial buildings and warehouses small scale extensions can be undertaken without the need for the specific planning permission from the Council provided that:

- (a) the external appearance of the premises would not be materially affected;
- (b) the extension would not come within 5 metres of the boundary of the premises; and
- (c) the extension would not lead to a reduction in the space available for the parking or turning of vehicles.

If the property is included on the Statutory List of Buildings of Special Architectural or Historic Interest, then it is likely that listed building consent for any building, awning, canopy or other structure which involves extension or alteration of the building.

The Regulations require that at each entrance to the premises a sign shall be displayed in a prominent position. The size of the sign must be at least A5 (21cm x 15cm) and contain a no-smoking symbol and the following caption "*No smoking. It is against the law to smoke on these premises*". The consent of the Council will not be required for the display of such a sign provided that it does not exceed 0.3 of a square metre in area and is not illuminated. However, a sign of whatever size may well require a consent if it is displayed on a listed building. Please check with the Council's Planning Control and Conservation service before proceeding (Tel: 01462 474000).

Irrespective as to whether or not planning permission is required, the erection of buildings or other structures could require an approval under the Building Regulations. For further information on this aspect, please contact the Council's Building Control Service – tel: 01462 476370; fax: 01462 476380 or email building.control@north-herts.gov.uk.

You should also check with the Council's Environmental Health Service (tel: 01462 474000) that the provision of the smokers' facility would comply with the requirements of the Licensing Act 2003.