



Smoking shelters and the need for planning permission

If you decide to erect a smoking shelter on your premises it is important to consider the following information:

Smoking shelters attached to existing commercial buildings

Offices / Shops / Bars / Restaurants

- There are NO permitted development rights for any extensions or alterations to these premises and therefore as a general rule all shelters require planning permission. However if the proposed shelter is relatively small and generally hidden from public view then an assessment may be made that the works would not materially affect the external appearance of the building and therefore would not constitute development requiring planning permission. This can be assessed only on an individual basis by a Planning Officer and will depend on the size and scale of the shelter, the massing of the original building and its location.

Industry and Warehousing

- An alteration and extension to an industrial building or warehouse is permitted development (i.e planning permission is not required) if the following apply.
 - Height of shelter addition does not exceed height of original building;
 - The cubic content of the original building is not exceeded by more that 10% if the site is located within a Conservation Area or 25% in any other case;
 - The floorspace of the original building is not exceeded by more that 500 sq.m in a Conservation Area or 1,000 sq.m in any other case;
 - The external appearance of the premises is not materially affected;
 - No part of the shelter extension is within 5m of the boundary of the curtilage of the site; and
 - There would be no reduction in the space available for the parking or turning of vehicles.

Note: If the shelter is to be used between 7pm and 6.30am, it can only be by employees present at the premises for the purposes of their employment.

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Free standing smoking shelters within the boundary of all types of commercial premises

- These will require planning permission in ALL instances.

Smoking shelters at schools, colleges, universities and hospitals

- The provision of a smoking shelter attached to or freestanding within the curtilage is permitted development if the following apply:
 - The boundary total floorspace of all buildings erected on a particular site including the smoking shelter(s), other than the original building or an extension built with express planning permission, would not exceed 10% of the total floorspace of the original building on that site,
 - The cumulative total cubic content of all buildings erected on a particular site including the smoking shelter(s), other than the original building or an extension built with express planning permission, would not exceed 250 cu.m,
 - The smoking shelter would not be within 20m of the boundary of the site,
 - It would not result in the loss of any land used as a playing field, which could no longer be used for that purpose,
 - In a Conservation Area the materials were of a similar appearance to those used on the original building.

Note: Other provisions may apply to the local authority and statutory undertakers whereby they may be able to provide smoking shelters without the need for planning permission.

Contact details for further information

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