

For more information please visit Merton's planning website: [www.merton.gov.uk/planning](http://www.merton.gov.uk/planning) or telephone:  
Duty Planner North Team: 0208 545 3777 Duty Planner South Team: 0208 545 3984

**LONDON BOROUGH OF MERTON  
DEVELOPMENT CONTROL  
ENVIRONMENTAL SERVICES**



### **Merton Council's Planning Guidance Note: Going Smoke Free**

New smoke free legislation set out in the Health Act 2006 will come in to force in England on the 1<sup>st</sup> July 2007. The new law will affect most public places including bars, restaurants, shops, leisure centres, offices, factories etc. Exemptions to the legislation include hotel accommodation, prisons for adults, care home, hospices, mental health units and private accommodation (but not common parts such as a lift or staircase).

#### **Impact on Planning System**

The principal effects on the planning system will be :

- 1) Proprietors seeking planning approval for the erection of enclosed smoking shelters, canopies etc. particularly where these relate to offices or "A" type uses such as bars or restaurants.
- 2) Use of land as "smoking areas".

Planning permission will normally be required for the following operations and uses :

- 1) Permanent external shelters used as smoking areas;
- 2) Stub out bins at the front of premises if they materially affect the appearance of the building;
- 3) Use of land as a smoking area where that land does not currently form part of the premises in question;
- 4) Construction of timber decking.

In any event you should seek the advice of the planning duty officer. This can be done via phone 0208 545 3238 or by making use of the planning duty officer system whereby a duty planning officer is available without appointment between Monday to Friday 9am to 1pm at the Merton Link to advise on your proposals.

Please note that the Council will not issue informal written advice to the effect that your proposal will not require planning permission. Should you require the Council's formal determination in such matters, you should apply for a Certificate of Lawful Development. For further information please visit the Council's web pages at [www.merton.gov.uk/living/planning](http://www.merton.gov.uk/living/planning)