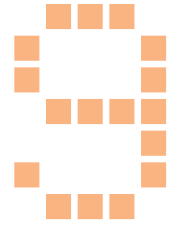


DEVELOPMENT CONTROL

Development Control:

commenting on planning applications



This is Sheet 9 of The Planning Pack. This pack has been written by Planning Aid, with assistance from Urban Forum. The Planning Pack is endorsed by the Royal Town Planning Institute

Introduction

This information sheet provides a brief introduction to commenting on planning applications. It is Sheet 9 of a series of 17 information sheets that forms an information pack to help you understand and get involved in the planning system.

This sheet sets out how you can make comments on a planning application at the right time so that they can be given full consideration before a formal decision on the proposal is made. It should be read together with Sheets 4 and 5 relating to the planning policy and Sheet 8 relating to Development Control – applying for planning permission.

Public Consultation

All local authorities are required to notify neighbours when a planning application is submitted. This can be done using an advert in the local press, posting a site notice, by letter or a combination of them all. Each local planning authority is required to produce a Statement of Community Involvement which will identify their approach to notifying neighbours about applications. See Sheet 7 for information on Statements of Community Involvement. These adverts or notices state what the application is for and where the application, plans, and supporting information can be viewed. This will normally be at the local planning authority offices during working hours. You may be able to view plans on the local authority's website.

It should be possible to discuss any aspect of the planning application with the planning officer dealing with the application (case officer) either on the phone or in person. It is advisable to make an appointment beforehand. Contact details will be on all correspondence about the application.

If you have not been notified, but believe that an application may have been made, you can check the local planning authority's planning register (available at your local planning authority's offices or website). This provides a list of all applications that have been received and formally registered. If an application has been made and there is still time you can make comments.

If new development is carried out (for example constructing a new building/extension or changing the use of a property) but no application has been submitted, you can contact the local planning authority's enforcement team in writing. The enforcement team will investigate whether planning permission is needed for the work. If investigations reveal that an application should have been submitted the enforcement team can decide what action, if any, should be taken. This is known as enforcement action. See Sheet 12 for more information. The works may be classed as 'permitted development' and a formal application may not be needed. See Sheet 8 for more information.

Keep Informed

- >> Get a copy of your local authority's Statement of Community Involvement.
- >> Read any Site Notices in your area.
- >> Check for any Notices or articles in your local newspaper.
- >> Check the planning register, usually at the planning office, or on the local planning authority's website, or request a weekly copy.
- >> Get familiar with the Planning Portal website (www.planningportal.gov.uk) where you can find planning policy documents and see planning applications for some areas.

Submitting comments to the local authority

Anyone can comment on a planning application. Comments should be made in writing to the planning department within the time specified on the notice or letter. This is normally 21 days. Before sending your comments to the planning department, make sure you have seen the plans, and discussed any queries with the planning/case officer. Help with making comments is available from your planning department, regional Planning Aid Service (if you are eligible) or a planning consultant. You should make early contact to make the best use of the advice and expertise available.

Comments must be based on planning matters and need to relate to the proposal. The following is a list of 'planning matters' that the local planning authority can consider when making a decision on a planning application, these are known as 'material considerations'.

To make your comments effective stick to the following:

- >> Is the proposal in line with the policies and/or proposals in the 'Development Plan'? This includes the Regional Spatial Strategy and local Development Plan Documents and will

be the main consideration in deciding an application. See Sheets 2 and 4 for more information

- >> Is the proposal in line with other policies, for example national Planning Policy Statements, regional policies and local supplementary planning documents (including design guides and site briefs).
- >> How does the proposal fit in with other local strategies for example Community Strategies, Housing Strategies, Parish Plans, Town Plans, and Village Design Statements?
- >> How does the proposal fit in, in terms of design and use with its surroundings?
- >> What is the effect on sunlight and daylight on adjoining properties?
- >> What is the effect on privacy for the adjoining properties?
- >> What is the effect on parking, traffic and road safety?
- >> What level of noise and general disturbance to adjoining residents will occur as a result of the completed development?
- >> Have there been previous planning applications on this site and what were the outcomes?
- >> If there is a traffic assessment or an environmental impact assessment, what are their findings?

Planning matters do not include the following:

- >> Effect on property values
- >> Covenants affecting properties
- >> Nuisance caused by building work
- >> Land ownership disputes
- >> Right to a view
- >> Right to light

Therefore comments relating to these issues will not be taken into account when making a planning decision.

All comments that are received by the local planning authority will be made available for public inspection.

Submitting comments on planning applications

- >> Stick to the local planning authority's deadlines.
- >> Look at the plans.
- >> Contact the Case Officer to discuss the application.
- >> Make your comments in writing.
- >> Contact a Planning Consultant or Planning Aid (if you are eligible) to get independent advice on the planning application and help you write your comments.

Making your comments effective: Our Top Tips

To ensure that your comments are most effective you should:

- >> Meet the official deadlines for comments (usually 21 days). You can ask the local planning authority for more time but they may not agree to this. If necessary send in a short letter summarising your comments and follow this up with more detailed comments before a decision is taken;
- >> make comments in writing (by letter or email). Be clear, concise and accurate in your comments;
- >> stick to relevant planning grounds (known as material considerations), see page 2, focus clearly and succinctly on the main issues;
- >> If you support the idea of the development and are only concerned about some aspects; state which aspects of the proposal you would like changed and how;
- >> quote relevant policies and proposals from the development plan that support your case. It will not be necessary to quote the policy in full, just refer to the policy or paragraph number and explain how it applies to the site. The case officer and planning policy officer at the local planning authority should be able to help you identify the relevant policies;
- >> ask when and how the decision will be made. Is it going to be made by councillors at planning committee or by planning officers under delegated powers? If the application is going to be considered at committee an officers' report will be prepared and will be available to the public five working days before committee;
- >> obtain a copy of the report and check that your comments have been taken into account. If you feel they have not, you can write a further letter to the chair of the planning committee and the case officer to highlight this and to set out to them what your comments are. You can also talk to your local ward councillor. If they are on the planning committee they cannot discuss the application with you, if they do they would not be able to take part in any discussion or vote on the planning application at planning committee;
- >> find out if you can speak at planning committee. This is another opportunity for you to make your views known. Keep your speech short and to the point. Again stick to planning matters; and
- >> get together with other local people and form an action group for larger proposals. This will pool resources and show the strength of feeling among local people.



How will the local authority make their decision?

There are two ways that a decision on a planning application can be made, by councillors at planning committee or by planning officers under 'delegated' powers. Local planning authorities normally have a set of criteria based on size and nature of the development to decide how the decision is made.

For all applications the planning officer is required to take into account:

- >> whether the application is in 'accordance' (in line) with the development plan;
- >> previous case/site history;
- >> the merits of the proposal; and
- >> any relevant comments from you and other consultees (for example the Highways Agency).

If the application meets all the criteria for decision under delegated powers it will not have to go to planning committee. After assessing the application the planning officer will issue a decision notice stating reasons for approval or refusal (ask the officer to let you know when a decision has been or is likely to be made). If the application goes to planning committee the planning officer will prepare a formal report on the proposal, concluding with a recommendation as to whether or not planning permission should be granted.

This report is then considered by the planning committee, which is made up of elected members (local councillors). The planning committee normally follows the recommendations of the planning officer. You may be able to speak at planning committee. To find out if you can speak contact your local planning authority.

To find out more about the application process refer to Sheet 8 applying for planning permission.

After the decision

Many local planning authorities notify all those who submitted written comments of the decision that has been made on the application. If the proposal was approved then the letter will give reasons for approval and any conditions imposed. If the

application is refused reasons for refusal will be given. The local planning authority has only made a formal decision when they issue a decision notice.

After approval: what now?

If there is any reason to believe that the development is not being carried out in accordance with the permission or conditions then the local planning authority should be notified. Further investigation by the local planning authority may lead to enforcement action. See Sheet 12 for further information.

What happens if the applicant appeals against the local authority's decision?

Once a decision is made, only the applicant has the right to appeal against a refusal of planning permission, or the conditions that have been imposed. Local residents or other interested parties do not have a right of appeal. There are other limited ways in which the conduct and the decision of the local authority can be examined. See Sheet 15 for more information.

Appeals are made through the Planning Inspectorate to the Secretary of State, who will appoint a Planning Inspector to hear the case. The local planning authority is only required to inform all those who submitted comments on the original planning application about the appeal. They will give you details about how you can take part and the deadlines you have to meet. More information relating to the appeals process can be found in Sheet 10 or obtained from the Planning Inspectorate. See contacts list on Sheet 16.

In certain circumstances, if the impact of the proposal is likely to be particularly significant, or is a departure from (not in line with) the policies in the Development Plan, the Secretary of State has the power to 'call-in' the application or re-examine the local planning authority's decision at a planning inquiry. This provides an extra opportunity for aspects of the proposal to be considered as well as a chance for you to make further comment.