

Planning applications

Resources:

- website www.planninghelp.org.uk
- booklet *How to respond to planning applications*

Are you concerned at a planning application?

Your opportunity

If you do not like a planning proposal or any aspect of it, you can make an objection to the relevant local authority. Before making an objection you should discuss the aspect of the proposal you do not like with the Planning Officer. It may be something that can be changed during the application process. If it can't then you have the right to object:

- Put your objection in writing to the Council's planning department
- Contact other people affected by the proposal and encourage them to write letters of objection. This is more effective than a petition, though a petition can be good for raising awareness.
- Contact your local Ward Councillors and ask them to support you. Meet them on site and put forward your grounds of objection. Write to the Chair and other members of the Planning Committee putting forward your objection.
- Obtain the Planning Officer's report when it becomes available, usually three working days before the Planning Committee meeting. If you are able to speak at the meeting you can ask to address the Committee.

It is important and helpful that you object on planning grounds only. Objection on the grounds of devaluation of property, effects on a view or disturbance during the building work are not planning issues.

Planning Considerations

- Over-development of the area and strain on facilities.
- Substantial damage to the amenities of residents caused by: noise; disturbance; smell; flooding; and loss of light.
- The visual impact of a development - what it will be like to look at, not the loss of view.
- Highway safety, including the need for parking.
- The approved policies of the local authority, Government advice as set out in a wide range of Department for Environment, Food and Rural Affairs (Defra) circulars and planning policy guidance notes.
- Precedents set by decisions already taken granting permission to applications of a similar nature elsewhere.
- The existing use of the site, or any previous planning permission already granted for the site.
- Design, materials, amenity space of the scheme, etc, although the degree of control in these areas is very restricted.

Conditions of Applications

You may agree with the application but disagree with just some of its aspects. In this case, when objecting to those aspects, you can ask for conditions to be attached to the approval for planning permission. Objecting to a planning application and asking for conditions to be added is known as making a representation.

The Appeal Process

You have no right of appeal if the council approves a planning application with which you disagree. So, if you do not like an application you must object before a committee decision is taken.

If planning permission is refused or conditions are imposed which the applicant (developer) considers are unacceptable, then the applicant has six months to appeal to the Secretary of State. An independent Planning Inspector is appointed to listen to both sides of the case and will make either a decision or a recommendation to the Secretary of State who will then make the final decision.

APPEALS can be heard in three ways:

1. **Written representation** - This involves the exchange of written correspondence by all parties and the opportunity to comment on each other's case. The inspector will visit the site prior to his decision.
2. **Informal Hearing** - This allows both parties to present their case to the Inspector in person in a relaxed and informal setting. The hearing usually takes the form of a round table discussion followed by a site visit. A decision letter will then be issued.
3. **Public Inquiry** - This follows a clear set of procedures and allows all interested parties to give evidence and cross-examine the evidence of others in a formal and "courtroom" like setting.

The Inspector will make a site visit and may either issue a decision letter or a report to the Secretary of State for final decision.

At any Inquiry the local authority will seek to defend the decision that is being appealed against. The local community does have an important role to play. If you have objected to the application you will be invited to support the local authority, either in writing to the Inspector or by addressing the Hearing or Public Inquiry.

If you wish either to object or to support the applicant you can put your view in writing or ask to attend the inquiry and give evidence. If you do speak you are likely to be questioned about your evidence, but the Inquiry is not intended to be intimidating. Just state your case simply and clearly.

For further information have a look at the CPRE booklet *How to respond to planning applications* and the Planning Help website.