

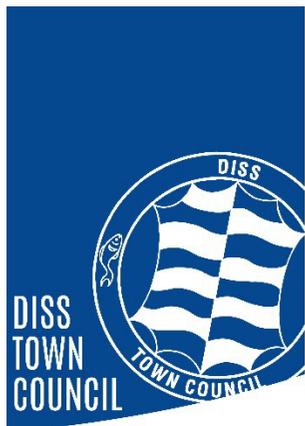
Planning Delegation Policy Foreword

As an introduction to the Planning Delegation Policy, I would like to run through some of the changes I have seen during my time as Chair of Planning.

1. Five years ago, it was usual to start planning meetings at 6pm (to get finished before the next committee meeting at 7.15pm). This was because almost every planning application was put on the agenda, and we needed to start early because there were often 4 or more applications on the agenda. We also had more frequent meetings (around 30/year).
2. My thoughts on taking the chair were that there was little point of spending time on so many applications especially those we could not influence. It was a waste of time and pointless. In fact, in those days less evidence was presented which made it difficult for informed decision making.
3. In my early days it was exceptional if we even discussed let alone made recommendations on planning applications for 'trees'. This we have changed with much more direct contact with the tree planning officer. In fact, we have commented on more than 30 tree applications in the last year and seen tree preservation orders given to around a dozen trees.
4. The most misunderstood planning policy is that of permitted development (and prior approval), which is explained in the Appendix*. It is also one of the main reasons the government planning portal regularly adds or consults on more permitted development which once approved is difficult to fight without very good planning reasons. Only a few weeks ago I was reading about the latest consultation which is suggesting adding a floor to certain properties could be considered as permitted development - I am not too sure on that!
5. However, I would remind **all committee members** they can call in **any** application that they think should be on the next agenda by contacting the Chair/Vice-Chair.

Cllr Eric Taylor
Chair of Planning

*Information regarding permitted development is not readily or easily accessible on the Planning Authority website and the information in the Appendix has been collated by the Chair from various data sources for ease of reference for both members and the public.



Planning Delegation Policy & Procedure

(last reviewed July 2022)

1. Administrative team forwards planning applications received to Planning Chair, Vice-Chair & relevant Officer for meeting
2. Chair / Vice-Chair considers applications and determines whether it should be delegated to the District Council Planning Officer or considered by the planning committee
3. Only applications to be decided by committee will be included on the Planning agenda and the necessary extension will be requested if required by the administrative team.
4. Administrative team to advise relevant Officer that a Planning meeting is required to precede committee meeting.
5. Any committee member can call in an application that they think should be on the next agenda by contacting the Chair/Vice-Chair
6. Planning sub-committee meetings are scheduled to precede scheduled committee dates at 6pm unless otherwise stated
7. Membership to be drawn from the whole Council and a minimum of three required to proceed with the meeting
8. Chair to determine whether relevant stakeholders should be consulted regarding any pre-planning application information received by the Council
9. The Council will not comment on planning applications where it is the applicant
10. The Council may make comments on tree works applications
11. The Administrative team will log all planning applications received, update with Planning Chair recommendations, planning committee decisions, send DTC responses to the Planning Authority by the specified date & log Planning Authority decisions.

Type	Criteria for Officer Decision	Exceptions
Advertisement, Householder, Change of use, Listed Building Consent, Condition Variations/Removal	To be decided by Officers EXCEPT	<ul style="list-style-type: none"> • An application is called in by a Councillor • It has the potential to be controversial • It is being considered for refusal • Officers would prefer the committee to consider the application (to include applications from councillors or staff members/family members and/or if there is an Officer conflict of interest)
Full	To be decided by Officers EXCEPT	<ul style="list-style-type: none"> • As above and • Any new build construction whether residential or commercial • Development proposed on any Local Plan designated site • Significant extensions to existing premises.
Outline	To be considered by Committee	

What is Permitted Development?

1. There are many householder developments that can be built under permitted development rights and do not require planning permission. **However, this is only providing they meet all the necessary planning and design criteria and there are no hidden constraints which limit or remove their permitted development rights.**
2. The permitted development laws only apply to houses meaning that flats, maisonettes and commercial buildings all require planning permission. Larger projects such as big double story extensions, new build houses or commercial projects will almost certainly require full planning permission.
3. For every type of development there are certain design criteria that must be met in addition to meeting all of the necessary planning policies, which vary between every local planning authority. For example, a 3-metre extension is something that could potentially be built under permitted development, however if it doesn't meet even 1 of the design or planning criteria then full planning permission would be required.
4. In addition to this, there are many hidden constraints such as article 4 direction, conservation area and even just living under a flight path can remove your permitted development rights meaning everything needs full planning approval. This can literally mean there could be two houses in the same town doing the exact same development and one could be built with permitted development while the other needs full planning permission.
5. Some projects also require prior approval from the local planning authority even though they are considered permitted development. In these cases, work must not start until the local planning authority approves the application for prior approval.
6. It is a bit of a minefield for applicants who have received planning enforcements and been given 28 days to secure planning permission or demolish their development, which is a very costly and stressful situation.
7. In some cases, they could have been permitted with a few minor changes to the design. Sometimes they were permitted at the time of the build, but the planning authority have subsequently imposed planning constraints removing their permitted development rights meaning they now need retrospective planning permission and sometimes it was never going to be permitted development due to the local planning policy.

What can be done under permitted development rights?

8. Assuming there are no hidden constraints, and the project meets all the necessary planning and design criteria there are a lot of smaller householder developments that can be done within permitted development which includes:
 - Extensions
 - Garage conversions
 - Loft conversions
 - Porches
 - Walls / fences / gates & access
 - Driveways
 - Hard standings
 - Conservatories
 - Outbuildings

- Change of use

9. It is important to bear in mind that if you are planning to do any of the projects listed this does not mean that it will be permitted development, but it could be. If you are considering doing any development and would like to know whether it would be permitted development, speak to your LPA (in our case SNC).
10. Almost all developments require building regulations even if planning permission is not required and this is also something SNC Planning can advise on.

Do you need planning permission?

11. To find out what would be required for your project you have a couple of options. You could submit a formal pre-application to your LPA with the designs and project brief which your LPA will respond to indicating what 'might be required'.
12. Ultimately the final design and application will determine their decision, so the pre-app still does not give you a definitive answer. The process takes 8 weeks and can cost hundreds of pounds.
13. There are never any guarantees with planning permission or permitted development, because ultimately only the LPA can make the legal determination.
14. It is always advisable to check with your LPA prior to application.

Potential Constraints

15. With any development there are always potential planning constraints which are often hidden that can make the simplest of projects into a very complex planning application.
16. In addition, specialist reports may also need to be submitted with all the usual supporting evidence and drawings. Examples of these include heritage statements, flood risk assessments, transport surveys, wildlife reports and many others.
17. If the building is listed in addition to securing planning approval you will also require listed building consent and building regulations approval before work can commence. Carrying out any works on a listed building without the necessary approvals is a criminal offence.
18. If there are any constraints that limit or remove permitted development rights or even one of these criteria is not met, then you are required to apply for planning permission.

Can you build without first applying?

19. Even if you believe your project is likely to be considered permitted development, it is always strongly recommended that no work commences until all the necessary planning and building regulations approvals are secured. **Doing so would be at your own risk!**
20. In 99% of these cases developers thought it was permitted having either read some info online or been mis-advised by their builder.

21. If you do get it wrong or receive an enforcement, planning permission can't be approved retrospectively and you would need to put the property back to its original state!

Processing planning applications

22. Regardless of whether you need planning permission, prior approval or a lawful development certificate, the process and time frames are very similar. Every type of application requires a variety of supporting evidence to justify why it should be approved, architectural drawings, maps, block plans and of course the correct application to be completed.
23. Once an application is submitted, the LPA first needs to validate it. They then have up to 8 weeks to process the application and reach a decision. It is however common for planning authorities to request additional information or minor design alterations which can delay the process further.
24. Once planning is approved you generally have 3 years to start work and 5 years to complete the work.

Cllr Eric Taylor
Chair of Planning