

PLANNING APPLICATION

It is possible to apply for full planning consent or an outline planning consent. An outline planning consent leaves further detail for future decision. No works can commence until a full planning consent is obtained to dealing with the outstanding points of detail.

The planning application, plans, drawings and documents are submitted in triplicate to the Planning Authority which is usually the district Local Authority, the London Borough or Metropolitan District Council. The fees are prescribed and vary depending on the scale of development. The Planning Acts set out the documents required in connection with a planning permission application. The Planning Authority can require additional documentation.

The fees for planning applications are laid down. There are scales and basis of charging applicable to different categories of development.

It is possible to apply for an outline planning permission or a full planning permission. An outline planning permission leaves the reserved matters for a future decision. Unlike the case in Ireland, the applicant for planning consent need not be the owner of land. He is obliged to notify the owner of the land and all owners and tenants of the application.

Since the 2004 an application must demonstrate how the design of the development takes into account its context. Its context means the physical, social, economic and policy context of the development. A short report must accompany and support a planning application in order to illustrate the process that has lead to the proposal and explain and justify it in a structured way.

It is common practice to hold discussions with the local authority before making a planning application. PPS1 (Delivering Sustainable Development) advises that pre-application discussions are critically important to enable developers and local authorities

to ensure better mutual understanding of their objectives and constraints. It is common for applications to be amended by negotiation. However, informal planning advice given by officers of local planning authorities is not binding and does not in any way inhibit the powers of the local authority to deal with the application as it sees fit.

A decision is made within eight weeks of the application, or such longer period as might be agreed. If no decision has been made in this time, the applicant can appeal to the Department of Communities and Local Government (“DCLG”).

Publicity

The planning authority is obliged to publicise the application in three different levels of publicity according to the nature of the proposed development.

Where the development requires an Environmental Statement or does not comply with the Development Plan, the publicity requires display of a site notice for at least 21 days and publication in a newspaper.

Certain categories of major developments, which would include a development comprising more than 10 dwellinghouses or development of a building greater than 1000 square metre requires advertisement in a local newspaper and a site notice or neighbour notification. Other developments require a site notice only for a 21 day period. The local planning authority is obliged to notify and consult a variety of bodies in relation to planning applications of a particular type.

Where a planning authority grants planning permission which is not in accordance with the Development Plan, the planning authority must send details of the application and the proceedings to the DCLG. This is also required if a development exceeds 250 houses or more than 5,000 square metres of commercial development. Provided the DCLG does not exercise certain powers within 21 days, the planning authority is free to grant planning permission.

This Guide is intended as an overview and broad outline of the matters covered in it. Its purpose is to inform and raise awareness. We are happy to offer specific legal advice on particular circumstances.

This Guide should not be relied on as a substitute for comprehensive legal advice with reference to the particular circumstances.

While we have taken due care in the preparation of this publication, we do not accept legal liability as a result of any reliance placed on anything in this Guide. The reader should rely only on specific legal or taxation advice.

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