

Interactive on-line Planning Tool

Day in the life of a Planning Application

Development Idea Pre-application Stage Application submission Validation Live Application Consideration Determination/ Decision Post-Decision Appeals Compliance/ Enforcement Completion of Development

PLANNING PARTNERSHIP



Cornwall Association of Local Councils



INTRODUCTION

Welcome our Interactive On-line Planning tool that has been developed by the Cornwall Planning Partnership. It has evolved through a series of workshops with members of the Partnership in order to clarify the different stages of the planning process and where local councils can become involved. This has then developed into what we consider to be a more widely useful tool with significant planning information for developers, their agents, prospective applicants and interested members of the public. It seeks to bring together lots of information about the planning process and the various stages of development from conception through to implementation.

It is kept up to date with changing legislation and policy and contains links to latest web content. We hope it provides a resource that is helpful to all.

We also welcome feedback about its operation and will seek to continually improve upon the facility. Any queries or questions about its operation please contact Nic Phillips on positiveplanning@cornwall.gov.uk

To use the tool, you can either left click on one of the buttons above or simply scroll down to find the information you require. The various pages include text, more buttons or links to webpages and you can click on these to access more information.

iOS and iPadOS users – to gain full interactive use of this PDF, tap the Share Button (the square with an Up arrow), then select the Books app. This works for Safari, you may not see the same share options in other browsers.





DEVELOPMENT IDEA

You have a building project in mind or you wish to change the use of a building or land you own or are thinking of buying.

Find out whether you will need planning permission or Building Regulations consent by clicking on the 'Do I need Planning Permission' button below. At the development idea stage, applicants should start to think about material planning considerations such as planning policy, highway access, overlooking of neighbours and design and question in your own mind whether the site is suitable for the development proposed.

Some types of development are granted planning permission by law without the need to submit a planning application. This is known as 'Permitted Development'. However, these permitted development rights have associated limitations and conditions that proposals must comply with. One such condition on certain classes of permitted development is the need to submit an application to the Council for its 'Prior Approval'; or to determine if its 'Prior Approval' will be required. This allows the Council to consider the proposals, their likely impacts in regard to certain factors (e.g. transport and highways) and how these may be overcome.

To help make life easier, the Council offers a range of additional services which answer frequently asked questions and help you get information or assistance quickly.

Services include:

- Confirmation of use class
- Confirmation of planning restrictions such as occupancy/use restrictions
- Confirmation of compliance with planning conditions
- What constitutes a material start?

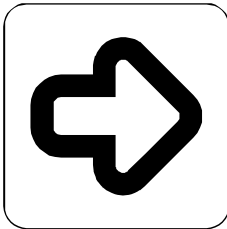
Please refer to pages 8 -11 of the Fees and Charges Document for more information. This can be found on the Fees and Charges page of Cornwall Councils web site.





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PRE-APPLICATION STAGE

The pre-application process has become a vital part of the planning system and seeks to front load the planning process and identify and resolve as many issues

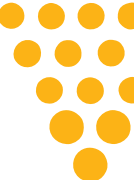
as possible at the earliest possible stage, before the formal planning application is submitted.

The National Planning Policy Framework (NPPF) advises on good pre-application processes and in addition much best

practice advice has been produced by the Planning Advisory Service, the Local Government Association and Royal Town Planning Institute.

Cornwall Council is committed to encouraging good quality pre-application submissions by applicants, which are subject to full community engagement , unless the information provided is commercially sensitive. We have developed a Pre-Application Protocol with developers and

local councils to ensure that there is good engagement with local councils at an early stage offering the opportunity for local communities to inform and influence applications. The information on responses to pre-application enquiries is shared between the local councils and Cornwall Council. Please explore the following buttons:





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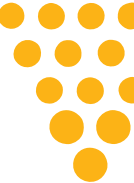


APPLICATION SUBMISSION

So you've decided you would like to submit a planning application for your proposed development but you're unsure how to go about it. Left click on the button below

to find out how to submit a planning application online, download forms, make a payment and where to get more help and advice.

Please see the next page 'Validation' for information on what you will need to submit with your planning application. The Validation Guide helps Council officers to know what to ask for but it's there to help applicants too.





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VALIDATION

A planning application must be validated before it can be considered by the Council – that is, accepted as being complete and ready to process ***with all necessary plans, reports etc. and the relevant fee, if required.*** It's only when an application is validated that the clock starts to tick on the eight or thirteen weeks that the Council should take to issue a decision.





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> Committee

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> Refused



LIVE APPLICATION

This is normally the main part in the life of the application. Having been validated, the application file is forwarded to the planning case officer who will start the assessment process by reviewing the file and asking some basic questions:

- What planning policies, guidance or materials considerations might apply?

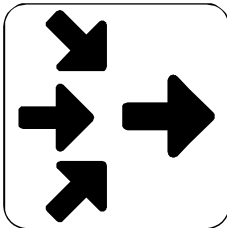
- What pre-application advice, if any, has been given?
- Should the application go to planning committee for a decision or can it be determined under delegated power by an officer?
- What consultations or additional information are required?





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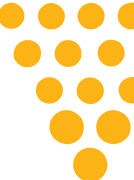
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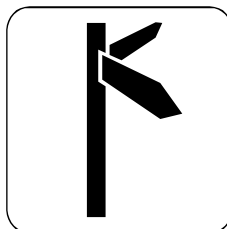


CONSIDERATION

Certain planning applications can automatically be required to be presented to a planning committee, in accordance with the Council's Constitution for example scheme size thresholds, or reference to a planning committee by a Cornwall Councillor, subject to certain criteria, or at the discretion of the Director of Planning

and Sustainable Development. There has to be a good planning reason why the application is to be referred to the planning committee and as the 4 planning committees only sit once a month and the Authority deals with thousands of applications every year, there has to be a strict referral process to control the numbers of items on the agendas.





DETERMINATION/DECISION

This section covers the period of time after which the application has been registered and the consideration of the application is underway.

The consultations have been sent out and the Planning Case Officer will be undertaking an assessment of the application including a site visit for cases other than householder applications unless assessed otherwise. The officer will be receiving consultation responses including from the Local Council and there may well be negotiations over amendments to plans or the submission of additional information. During this period, interested

parties can login to the Online Planning register and view not only the submission documents, but all the consultation and third party submissions. The operation of the Planning Service of Cornwall Council is controlled through the Constitution, details of which can be found on the Councils website, please search 'Constitution'.






> DELEGATED

> COMMITTEE



Running order and procedures at Planning Committee:

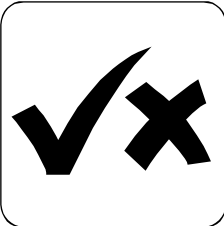
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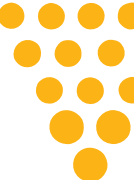
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POST-DECISION

> APPROVED

> REFUSED



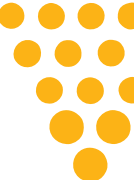


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APPEALS





COMPLIANCE/ENFORCEMENT

Deciding whether it is Expedient to take Enforcement Action

Tests for Expediency

Unauthorised Development

The Council will only take enforcement action when it is considered expedient to do so in the **public interest**. In accordance with Government guidance formal enforcement action must not be instigated solely to regularise breaches in planning control. In taking formal enforcement action the Council will be prepared to use whichever available enforcement power or combination of powers that are appropriate to deal effectively with an identified breach of planning control, commensurate with the seriousness of the breach.

In deciding whether to take enforcement action the Council will have regard to the development plan (which will include any adopted Neighbourhood Development Plan) and to any other material considerations including national policies (National Planning Policy Framework and Planning Practice Guidance).

In considering whether it is expedient to take enforcement action the decisive issue for the Council will be whether the breach of planning control **unacceptably affects public amenity or the environment**. Any action taken will be proportionate with the breach of planning control to which it relates and in accordance with guidance will pursue the minimum remedy necessary to mitigate the harm caused by the development, in the public interest.

Where it is assessed that it is likely that planning permission would be granted for the development, the person responsible would normally be invited to submit a retrospective planning application. Guidance indicates that it will generally be inappropriate to take formal enforcement action against a trivial or technical breach of control, which causes no harm to amenity or the environment.

In defending enforcement action on appeal and in the courts, it will be necessary to show that the relevant procedures have been followed and that national policy on planning and enforcement has been taken into account.

The Enforcement Officer can discuss a case at their discretion with the Council's Heritage Team where a listed building or a conservation area is involved in deciding whether it is expedient to take action.

Expediency/what is planning harm

Deciding whether it is expedient to take enforcement action can be a complex issue not only of evidence, but policy and other material considerations. In applying the tests, the Enforcement Officer will need to:

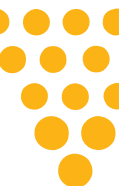
- have regard to the harm being caused
- refer to the relevant development plan policies
- discuss the policy implications with Enforcement Group Leader/Principal Officer and, if appropriate, a Development Officer in the Development Management Team.
- consider the resources required to pursue action and the likely outcome, against other cases which may be delayed/not progressed as a result
- prepare and submit a written delegated report to the Enforcement Group Leader/Principal Officer setting out the justification for recommending the course of action.

Unauthorised Works to a Listed Building

The Enforcement Officer, in consultation with appropriate specialists, will assess whether it is appropriate to serve a listed building enforcement notice (s38) or take injunctive action (s44) because the "works have been or are being executed to a listed building and that the works are such as to involve a contravention of s9." (i.e. works which affect the character of the building as a building of special architectural or historic interest or non-compliance with a condition of a Listed Building Consent) of the Planning (Listed Building and Conservation Areas) Act 1990). For further advice on works to Listed Buildings skip to the relevant section.

Unauthorised works to Protected Trees

Protected trees are those that are subject to the provisions of a Tree Preservation Order or stand within a designated Conservation Area and have a stem diameter greater than 75mm at a height of 1.5m. The Enforcement Officer, in conjunction with the Council's Forestry Officer where necessary, will assess whether the damage to, or loss of, protected trees is sufficiently harmful to warrant enforcement action. The primary test is to judge whether the harm justifies prosecuting the offence; the expediency of which is a balance of the magnitude of harm, prospects of success, the likelihood to re-offend and the value of deterrent. Unless it is clearly inappropriate, the presumption will be that the replacement of Tree Preservation Order trees and apparently important trees in the Conservation Area will be enforced by serving a Tree Replacement Notice.





COMPLETION OF DEVELOPMENT

The end of the process.

The development is not formally complete until the various planning conditions that may have been attached to the permission, have been discharged and any necessary approvals under the Building Regulations have been issued. It is often the case that applicants do not complete one stage of the process and the development can remain unauthorised/incomplete for some time afterwards. It is often at the stage when homeowners are looking to sell their properties and Solicitors' checks pick up on outstanding conditions, or the absence of Building Regulation Approval.

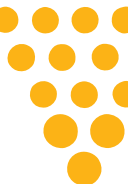
Post-decision community engagement

The importance of the ongoing communication between a developer and the local community after a planning permission has been granted and development is about to get underway and indeed throughout the construction period, is critical.

Planning conditions and clauses in Section 106 Agreements will be used by Cornwall Council for planning permissions where it is vital that ongoing dialogue continues between the developer and the community in which they are building. The method of that continuing communication will vary from Local Councils adding a standing item to their normal meetings, for updates from developers, to, in some cases on larger developments, the establishment of

a regular Community Liaison Group. This will be properly constituted, chaired and minuted.

There is a range of good practice in existence that also includes the production of a regular community newsletter by developers, letting local residents know what is happening with the development, what road closures are coming up and what works are scheduled. In the consideration of the application there should be a conversation about the need for ongoing dialogue and the form that would take, depending on what would suit that local community, were permission for the development be granted. A three-way Post-decision Community Engagement protocol has been established and makes clear what the roles are of the Developer/Local Council and Cornwall Council.”





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- > Approved
- > Refused

GUIDANCE FOR PRE-APPLICATION DISCUSSIONS

The [Cornwall Planning Partnership](#) produced some guidance to help local councils work with agents during pre-application discussions (see ‘Guiding principles for pre-application discussions’ section). These guiding principles also include a 3-way protocol on how Local Councils, agents/developers and planning officers can work together on dealing with pre-application proposals. The guidance note covers dealing with approaches and requests for meetings from developers, parish-led community engagement, and specific help regarding concerns over pre-determination either at local council meetings or in individual discussions.



PRE-APPLICATION ADVICE FAQs

Can I obtain advice?

I want to make amendments to an approved scheme. Can I obtain pre-application advice?

Yes; a pre-application enquiry can be submitted and a fee would be payable.

Before I submit an application to lift, modify or vary a planning condition can I obtain pre-application advice?

Yes; a pre-application enquiry can be submitted and the fee would directly relate to the category of the original development.

Can I use the pre-application enquiry service to obtain advice concerning the modification of a Planning Obligation?

The pre-application enquiry process will be suitable for some requests but might not be needed for all requests. Please contact your original case officer in the first instance to seek their advice.

Can I obtain pre-application advice following a refusal of a planning application?

Yes; Your planning decision notice will contain details of the reason(s) your planning application was refused. Taking the reason(s) into account, you may wish to prepare a revised proposal for comment prior to submitting a further planning application. Providing the enquiry is within six months of the date of the Council's decision (or withdrawal)

it does not need to be on the pre-application form and a fee would not be required.

If the proposed scheme is already under construction, can I apply for pre-application advice?

Yes but note that whilst you are still able to apply for pre-application advice, this advice does not constitute a formal decision of the Council and cannot be used to authorise any development which does not benefit from planning permission. The process and cost is the same as that where development has not started.

Will you provide pre-application advice for my proposed residential annex?

If the annex is a self-contained residential unit it will be treated as a single dwelling for the purposes of the pre-application advice service.

If the annex is not a self-contained residential unit then we would refer you to the Householder Design Guide and Householder Submissions Guide, the Planning Portal website and our Building Control department for building regulations advice.

We only provide written planning advice with regards to householder proposals for alterations and extensions to listed buildings because of the availability and quality of the advice that can be obtained through the guidance mentioned above.

Can I draw the plans myself?

Yes; however, it is essential that plans are clear, accurate and drawn to scale (include a scale bar). You should also be aware that when submitting a planning application, any submitted plans need to meet the national validation requirements. When drawing plans, consideration of building regulations is required.

Do I have to submit a pre-application enquiry before submitting a planning application?

No; although you may wish to read through the pre-application guidance note which sets out the benefits of doing so.



PRE-APPLICATION ADVICE FAQs (CONTINUED)

Fees

Why do I need to pay for this service?

Planning application fees do not cover the cost of a pre-application advice service and Councils may charge for this service. To provide a high quality pre-application advice service Cornwall Council does charge for advice.

Will I get a discount from the planning application fee?

No; planning application fees do not cover the cost of a pre-application advice.

Are there any exemptions to the fee?

Yes; these are detailed in the guidance note.

Why is VAT payable?

The pre-application advice service is a discretionary service and as the fees are not set by statute VAT is payable.

Does the fee for single dwellings include agricultural dwellings?

Yes.

How do I apply for pre-application advice?

All the information you require in relation to submitting a pre-application enquiry is available in the guidance note and on the form.

Process

Who do I contact about Planning Performance agreements?

The Planning Performance Agreement Charter sets out who to contact.

Are requests for screening and scoping opinions under the Environmental Impact Assessment Regulations covered by this process?

No.

Are requests for highways advice covered by this process?

Yes.

By submitting a pre-application enquiry form, will I get my planning decision any quicker?

Whilst this cannot be guaranteed, it is likely that if most of the major issues have been addressed during pre-application discussions, and some form of public consultation has been carried out by the developer and taken account of, then the processing of the planning application will be a lot more efficient.

Will this advice guarantee my proposal gets permission?

Any advice given by Council officers for pre-application enquiries does not indicate a formal decision by the Council as the local planning authority. Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any

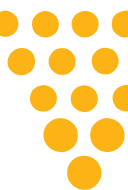
planning application following statutory public consultation, the issues raised and evaluation of all available information.

You should therefore be aware that officers cannot give guarantees about the final formal decision that will be made on your planning or related applications. However, the advice note issued will be considered by the Council as a material consideration in the determination of future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. It should be noted that the weight given to pre-application advice notes will decline over time.

What's the difference between a pre-application enquiry and a planning application?

In broad terms a pre-application enquiry requires less information to be attached to it, does not go through a full consultation process, and will provide you with an indication of whether or not your proposal is acceptable. The advice given is not legally binding, and does not give you any permission to commence development.

A planning application is a formal request for planning permission, which goes through a statutory process, at the end of which a formal decision is issued by the Local Planning Authority, either approving or refusing your development proposal. If an approval is given you are able to commence development, subject to and in compliance



PRE-APPLICATION ADVICE FAQs (CONTINUED)

with any conditions or legal agreements attached to that permission.

Can I receive advice about whether or not my proposal requires planning permission?

Yes; By submitting the “Do I need planning consent” or building regulations form you will be requesting a check as to the need for planning permission, listed building or conservation area consent and/or building regulations. With regard to planning, this will constitute an informal response as a definitive response can only be obtained through the submission of a request for a certificate of lawfulness of proposed use or development.

What advice can I expect to receive from my pre-application enquiry?

An officer will:

- Research the history of the site.
- Undertake an unaccompanied site visit, if required.
- Identify and assess the prospective application against Council policies and standards.
- Arrange to attend a meeting with the prospective applicant, if requested.
- Highlight the need for further investigations or key groups that need to be consulted.

- Provide a detailed written response in context to the information provided and meeting discussions which would include an opinion as to whether or not a planning application would be worth pursuing.

A Principal Development Officer or more senior manager will check the written response before it is issued.

What happens to my pre-application enquiry?

Within five working days of receiving a request for pre-application advice, the service will contact you either by phone or in writing to confirm:

- That your request for advice has been received.
- That the fee, if submitted with the form, is correct or if a fee has not been submitted with the form, what the fee is.
- Any additional information that is required before the submission can be processed.
- The name of the case officer who will be providing the advice and their contact details.

Where a fee has been submitted for advice without all other necessary information and the additional information is not received within the month of the original submission, the fee will be returned but £35 will be deducted for administration costs.

Within 10 working days of receiving a valid request, the case officer will contact you and agree a time and date for a meeting, if requested. The target date for responding to a valid request will be 30 working days, although this cannot always be guaranteed for more complex schemes. Meetings will normally be held in a meeting room at the main planning offices but can be held at another mutually agreed location.

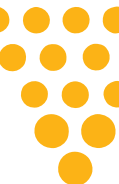
What if I don't want to submit an application after I have taken pre-application advice?

There is no requirement for you to do so, but the fee for the advice given is not refundable, as the Local Planning Authority will have carried out work on the enquiry.

Can I contact the case officer for a verbal opinion prior to receiving my written response?

No; a verbal response is not appropriate for pre-application enquiries. The aim of the Council is to provide you with a written response to your enquiry within 30 working days. Applicants are advised that case officers will not enter into any discussions during the pre-application process, apart from during the course of any meetings.

If any additional information is required, or a meeting is to be scheduled, the case officer will contact you.



PRE-APPLICATION ADVICE FAQs (CONTINUED)

How long will it take to get advice?

Within 10 working days of receiving a valid request, the case officer will contact you and agree a time and date for a meeting, if requested. The target date for responding to a valid request will be 30 working days, although this cannot always be guaranteed for more complex schemes.

What happens after I have received my written response?

Once you have received your response, you can decide whether further revisions are required to be made to your plans, or if you wish to continue with the proposal in its current form. If you choose to disregard the pre-application advice when submitting an application, please explain why in the application submission.

You can ask for further informal advice on a revised scheme, however please be aware that a further fee is payable for this advice, and it will also be necessary to complete the enquiry form and submit the appropriate plans.

You can proceed with a planning application. Details of this process, including application forms, information requirements and fee requirements, can be found on our [make an application page](#).

If you do not wish to proceed with your proposed scheme, there is no requirement to do so.

Will any of my neighbours be consulted at pre-application stage?

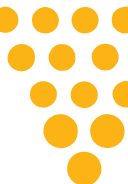
The Local Planning Authority will not carry out any consultation as part of the pre-application process, although applicants/agents may choose to do so.

Will my request be made public?

Yes; Your enquiry, together with any response made by the Council, will be made available for public inspection unless you confirm in writing to us that the information provided is commercially sensitive. If the Local Planning Authority receives a request, under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR), to disclose information relating to this pre-application enquiry they are obliged to do so unless the information is deemed exempt under the Act.

Note

We can only withhold information under FOI or EIR if the information falls under one of the exemptions (FOI) or exceptions (EIR) set out in legislation. For certain pre-application issues you would be advised to complete the commercially sensitive checklist that should set out the reasons why, and for how long, you feel any information relating to the case needs to remain confidential. However, whilst we will take account of these views, the final decision on whether the information should be withheld rests with the Council. The Council maintains compliance to the Data Protection Act and we will not release any personal information to third parties.





COMMUNITY INFRASTRUCTURE LEVY (CIL)

The Community Infrastructure Levy is a planning charge, introduced by the Planning Act 2008 as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. For more information on Cornwall Council's position on CIL, please click on the following link: www.cornwall.gov.uk/cil

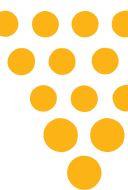


QUALITY OF SUBMISSION



Remember that your planning application will be looked at by others including planning officers, neighbours, Cornwall councillors and parish councils. It is therefore important to ensure that your plans can be clearly and quickly understood. Poorly presented drawings and inadequate supporting reports such as a Design and Access Statement or a bat survey can often cause delays in the processing of planning applications because clarification needs to be requested.

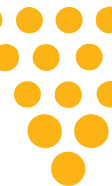
Good design is key to successful new development and the [Cornwall Design Guide](#) offers practical advice on how to achieve this. Applicants are encouraged to use the guide to help shape their proposals.





VALIDATION CHECKING SERVICE

The Development Management Service service provides an optional expedited validation checking service, on request, for the submission of planning applications which is chargeable and full details can be found here:





- > Delegated
- > Committee
- > Approved
- > Refused

APPLICATIONS CLOSE TO PARISH BOUNDARIES

If a planning application site (the area edged red on the submitted plans) overlaps parish boundaries, the local councils affected will be consulted individually by the Council and given 21 days to comment. In addition, planning case officers have the discretion to notify nearby local councils if the impacts of a scheme are likely to be felt more widely, for example, wind farms and larger scale retail developments.

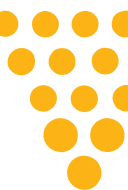


LOCAL COUNCIL CONSULTATION (21 DAYS)

Local councils are consulted on planning applications individually, following validation. It is not the practice of the Council to delay the process to enable groups of applications to be sent out together.

Local councils have 21 days to respond, which is in excess of national guidance (14 days).

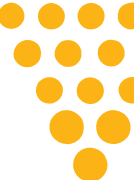
The [local council protocol](#) (updated November 2023) sets out how local councils are involved in the application process.





PREVIOUS APPLICATIONS ON THE SAME SITE

For other applications on the same site, search on the online planning register on the Council’s website using the relevant address.





RELATIONSHIP WITH OFFICER

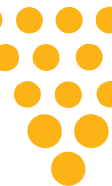
Planning application consultation letters to local councils include case officer name and contact details. Local councils may wish to communicate with the planning case officer for general advice on understanding the scheme being proposed, for example, interpretation of the submitted plans.





KEY ISSUES OF THE APPLICATION

Local councils may wish to contact the planning case officer for an initial view on the application and/or an assessment of the key issues that are likely to be relevant material planning considerations.





- > Delegated
- > Committee
- > Approved
- > Refused

CONTACT WITH AGENT

Local councils may wish to contact the applicant/agent direct for more information on an application or for consideration to be given to revisions to a scheme, for example, the deletion or obscure glazing of a window to prevent the overlooking of a neighbour.

Please note that due to the General Data Protection Regulation the Council is unable to provide contact details for applicants and agents. However, relevant information can be found in the [online planning register](#).



> Delegated
> Committee

> Approved
> Refused

REQUEST FOR MORE TIME

In unforeseen or unusual circumstances, local councils may need more time to provide a consultation response to a planning proposal. Such requests, which will be considered on their merits, should be made to the planning case officer who will do his or her best to agree to allow more time subject to due consideration of the determination date of the application.





EXTENSIONS OF TIME FOR APPLICATIONS NOT DETERMINED WITHIN STATUTORY PERIOD

If, before the end of the eight/thirteen weeks period (16 weeks if an Environmental Impact Assessment is involved) from registration, the Case Officer realises that he/she will not be able to make a recommendation on the application within the statutory period, it is good practice to ask the applicant/agent to agree to a time extension to enable the Local Planning Authority to determine the application. In effect, this is an agreement that the applicant/agent will not appeal against non-determination, but is it also good customer care.





CONSIDERATION OF PLANNING APPLICATIONS GENERAL ADVICE

Legislative Background

Planning legislation comprises primary legislation (Acts of Parliament) and secondary legislation (Statutory Instruments, Orders and Regulations). Planning legislation is available on a number of different websites and secondary legislation can be regularly amended, therefore it is important to ensure that the most up-to-date document is referred to. Development Managers must ensure that notification of amendments is circulated to staff and update procedures as necessary.

The Planning Portal provides access to the chief planning legislation produced by the Government as well as other planning related documents, reports and statistics:

The Department of Communities and Local Government's web site can be accessed by clicking here.



Government Policy and Guidance

The National Planning Policy Framework (NPPF) sets out the Government's planning policies for England and how these are expected to be applied. The Planning Practice Guidance (PPG) adds further context to the NPPF and it is intended the two documents should be read together. The PPG replaced the government guidance previously contained within Planning Policy Guidance notes (PPGs), Planning Policy Statements (PPSs) and Circulars.

The NPPF and PPG can be accessed using the following link:



Good Practice Guidance

There is no substantive professional good practice guidance for officer consideration of planning applications.

It is assumed that staff will be professionally competent and will maintain their competence through continuous professional development, keeping abreast of good practice via journals, training events and experiential learning etc.

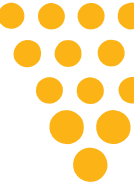




> Delegated
> Committee

> Approved
> Refused

INFORMATION REGARDING SITE VISITS





> Delegated
> Committee

> Approved
> Refused

OFFICER REPORTS



SITE NOTICES

Displaying site notices is the responsibility of the Case Officer during their Site Visit.

We may on some occasions ask applicants to put up the site notice. Officers visit sites for most applications apart from Householder applications. For householder applications it is for the case officer to determine whether a site visit is necessary. Not all types of application need site notices.

The case officer should display the site notice “in at least one place on or near the land to which the application relates for not less than 21 days” ([Article 13](#) of the Town and Country Planning (Development Management Procedure) (England) Order 2010)

There are no procedures for the removal of the site notice(s) after the time period has expired. The standard acknowledgement letter asks the applicant to remove the site notice after the expiry date and definitely once the decision is made.

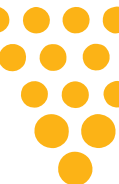
Section 13 (6) of the [Town and Country Planning \(Development Management Procedure\) \(England\) Order 2010](#) states:

“Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced

before the period of 21 days referred to in paragraph (3) (a), (4)(a)(i) or (5)(a) has elapsed, the authority shall be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.”

The following applications **do not** require a site notice:

- prior notification agricultural/forestry applications (*where the applicant is notified that the authority’s prior approval for agricultural development is required, the applicant must post a site notice issued by the Local Planning Authority)
- certificates of lawfulness for proposed use or development
- applications to trees in conservation areas
- householder applications (with the exception of development in a conservation area, listed building applications and Tree Preservation Order applications) - in these cases if the case officer is not going to assess the site then they must think of the most effective and efficient way of getting the site notice posted; bearing in mind costs and application expiry deadlines





> Delegated
> Committee

> Approved
> Refused

CASE OFFICER RESPONSIBILITIES

The Case Officer is responsible for all aspects of the processing of the application, including:

- ensuring that site notices are displayed where relevant
- ensure a site visit is carried out where relevant, supported by photographic evidence
- ensuring appropriate record keeping including notes of site visits, meetings and discussions

> Delegated
> Committee

> Approved
> Refused

SITE VISITS

Before the Site Visit:

Prior to undertaking a site visit, the case officer should:

- check the application form to ascertain whether the applicant has requested an appointment or if there are other circumstances where an appointment would be advisable (eg military establishments) and make any necessary arrangements to gain access
- generate site notice(s) for display, where necessary, in accordance with the consultation and publicity arrangements
- consider the location of the application site and nature of the application and identify relevant issues/policy considerations to assess during the site visit
- discuss any specific concerns relating to undertaking the site visit and personal safety with their Group Leader
- take ID/authorisation to enter land and all equipment and clothing necessary to display the site notice and carry out the site visit safely together with a copy of the plans and application forms and risk assessment form

During the Site Visit:

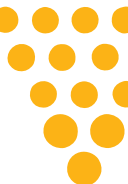
At the site visit, the Case Officer should:

- display site notice(s)
- in the case of sites such as a school or children's nursery, report to the reception to inform staff of their presence (even if access to the buildings is not required) and ensure that access to the site is allowed
- if no appointment has been made and access into the site is required for the purposes of assessment, identify themselves to any person(s) present at the site and explain the purpose of the site visit
- take photographs of the site, surroundings and site notice
- make notes of any actions to be undertaken/recorded on return to the office (eg additional neighbour notification/consultations required, discrepancies on plans or features of the site which need clarification, details of anyone met on site /neighbouring properties visited etc)

Following the Site Visit:

On return to the office, the Case Officer should:

- if unable to gain access to the site at the initial visit, contact the agent/applicant file and make arrangements for another visit
- action any additional consultations or neighbour notification letters



OTHER TYPES OF SITE VISITS

In addition to the standard site visit made by officers during the processing of an application there are three other types of visit/meetings which have different aims and constitution:

Informal site visit between case officer and local council/ Cornwall Councillor to clarify issues raised through the local council or Member protocol

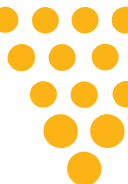
In such informal site meetings the number of participants is kept low to maximise its effectiveness. The invitation can be extended to the Cornwall Councillor and local council representatives, any specific consultee if it is considered necessary and the applicant and agent. The planning officer should consider themselves to be the facilitator of the meeting to ease discussions. It can also include objectors if this is appropriate; each case will be individually assessed.

Informal site visit (Planning Committee)

This site visit is merely an opportunity for the Members to view the site and the surrounding area with the case officer and sometimes other officers. No-one else is invited and there is no discussion about the merits of the proposal at all. There have been occasions when the applicant is at the site to enable access, but he or she is sent away before the Members assemble to ensure that there is no opportunity for lobbying whatsoever. The meeting takes place before Planning Committee meets and is intended to give those Members present a better understanding of the site, when they discuss the proposal at their (subsequent) formal meeting. It is usually called by the case officer or Local Cornwall Councillor if he or she feels that Members may not be able to decide the application at their meeting without having seen the application site. Thus by undertaking an informal site visit the application can be determined at the formal Planning Committee meeting, rather than having it deferred for a formal site meeting. This speeds the decision making process, provides a better service and is more efficient in terms of time and money.

Formal site meeting

The purpose of the formal site meeting is to enable Members to consider the merits of the proposal on site. It takes place following a formal resolution of the Planning Committee and the applicant, agent, objectors, the Parish Council and relevant consultees are invited to attend and are given opportunity to speak. Members of the Committee who attend are also invited to comment, but the formal decision of the Committee is made following further debate at the next full meeting of the Planning Committee.



PRODUCTION OF DELEGATED REPORTS

Production

The case officer will produce a report for each planning application.

The report should set out a balanced assessment of key planning considerations and a recommendation for approval or refusal based on this assessment.

It is good practice to commence drafting the report at the earliest opportunity.

Conditions

The case officer should always ensure that the wording of a standard condition is wholly appropriate for the particular case. If a standard condition is not appropriate, it may need to be modified to fit the circumstances of the application otherwise it may be necessary for a condition to be drafted specifically for that permission.

It is the case officer's responsibility to scrutinise conditions suggested by consultees and to check that they are suitable and appropriate in all the circumstances. In all cases, every condition imposed on the grant of planning permission must satisfy the "tests" set out in Planning Practice Guidance (<http://planningguidance.planningportal.gov.uk/blog/guidance/use-of-planning-conditions/>).

Every condition attached to a permission must be fully supported by a reason for its imposition which should include specific reference to the relevant development plan policy and reference to the relevant part of the National Planning Policy Framework.

Planning Obligations

Under the Community Infrastructure Levy (CIL) regulations (6 April 2010, as amended) a planning obligation may only constitute a reason for granting planning permission for the development if the obligation is:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The reports should explain how the planning obligations meet those tests and if phased payments are proposed, the rationale behind those phased payments.

Planning obligations can be used to monitor and enforce community well-being payments that are linked to the Local Government Act. As such they would not necessarily meet the above tests and would not therefore be a reason to grant or refuse permission.

Reasons for refusal

Reasons for refusal must be carefully worded and must clearly flow from the issues covered in the report. They should identify the harm caused, be specific and refer to the relevant development plan policies and/or Supplementary Planning Guidance/Supplementary Planning Document and/or to national planning policy.

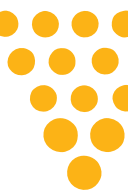
Full, clear and precise reasons for refusal should:

- Enable an applicant to fully understand the Council's reasons for refusal and allow him/her to amend and resubmit the application to obtain permission.
- Be selected and framed so that they are defensible at appeal; if they are not they may be subject to an award of costs against the Council.
- Contribute to the transparency of the planning process.

Case officers will:

- ensure that they relate to material planning considerations
- ensure that there is material harm from the proposal that can be demonstrated and is not outweighed by the benefits of the proposal
- specify what the harm is and to whom, in a detailed way
- use wording taken from relevant development plan policies and up-to-date national guidance where possible

Where planning permission is being refused for development that has already been carried out, the case officer will draw this to the attention of the Development Manager who will then need to consider the expediency of enforcement action.



KEY DEADLINES FOR PREPARATION OF COMMITTEE AGENDA AND REPORTS

Draft reports must be prepared by Case Officers no later than **14 working days before Committee day**.

Group Leaders to sign off all reports **12 days before Committee day**.

Legal Officers to sign off reports and Officers to make final amendments to reports in agreement with Legal/Group Leaders **10 days before Committee day**.

Development Managers to determine agenda order **10 days before Committee day**.

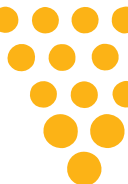
Officers to send across final reports to Democratic Services for printing **9 working days before Committee day**. Printing and circulation of the agenda is handled by Democratic Services.

Agents, local councils and contributors should be notified by Development Support Officers no later than **8 working days before Committee day**.

The agenda and reports are made available to the public **6 working days before Committee day (or a minimum of 5 working days)**.

The deadline for receipt of updates/representations is at least **1 working day by noon before Committee day**.

Chairman's briefing is usually **on the day of or 1-2 days before Committee day**.



PREPARATION OF DRAFT COMMITTEE REPORTS BY CASE OFFICERS

Deadline

The case officer should prepare a written report for the application setting out a recommendation and how it has been reached. The draft report should be forwarded to the Group Leader at least 14 working days before the relevant committee meeting. It is good practice to draft the report at the earliest opportunity to allow ample time for proof reading. The case officers and Group Leaders are responsible for the accuracy and completeness of the report.

What should be covered

A good report should cover all the relevant matters but be concise and to the point. It will be available to the public and should demonstrate that the application has been properly and fully considered. Whilst the format of a delegated report may differ from one going to the committee, the basic approach should be the same.

In particular:

- the report should be appropriately structured using numbering and sub-headings
- it should be written in plain English avoiding unnecessary jargon and abbreviations
- a brief description of the proposal and the site should always be given

- any relevant amendments and discussions should be identified, with the report assessing the latest plans
- all reports must identify the relevant development plan policies, (including Neighbourhood Development Plan policies) relevant parts of the National Planning Policy Framework and National Planning Practice Guidance and supplementary planning guidance, with the analysis of the issues using the Council's policy objectives as a starting point
- only relevant site history should be referred to
- consultation responses should be summarised where appropriate, ensuring that material planning considerations raised by contributors are covered and any non-material planning considerations are briefly pointed out
- all reports should identify the main planning issues and comment on each in turn with an assessment of the proposal and whether it meets any policy included it is usually helpful for a conclusion to be reached on each aspect of the case as the report progresses leading to a convincing overall conclusion and a firm recommendation

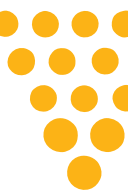
Human Rights are a material consideration; but unless a particular proposal raises unique human rights issues it is not necessary to specifically refer to the matter in the report.

The recommendation

Where planning permission is to be granted subject to conditions, the conditions should be spelt out in full together with the reasons for the conditions. Reasons for conditions should relate, as far as possible, to the relevant planning policies. Where a standard condition is to be used, but amended, the actual amendment must be made clear to anyone reading the report.

Where planning permission is to be refused, the reasons should be set out in full and should relate to the relevant planning policies and National Planning Policy Guidance. The reason must relate to a planning matter and must be defensible at appeal.

The Case Officer should ensure that the wording of any "standard" condition used is wholly appropriate for the particular case. If a standard condition is not appropriate, it may need to be modified to fit the circumstances of the application. In some circumstances it may be necessary for a condition to be drafted specifically for that permission. In any event all conditions imposed on the grant of planning permission must satisfy the tests set out in [Planning Practice Guidance](#).





COMMITTEE ADDENDUM REPORTS

Development support officers should identify any representations or information received which relates to committee applications and ensure that these are given priority so that they can be actioned by the case officer/ Group Leader.

Updates received should be summarised, with an addendum sheet printed off by 12 noon on the working day before the committee meeting. This should then be emailed to Members by 5pm on the day preceding the committee meeting.

This addendum should be tabled at the committee meeting for the attention of members at least one hour before the commencement of the meeting.

SITE MEETINGS – FORMAL AND INFORMAL

Formal Site Meetings Procedure

Purpose of the site meeting

The purpose of the site meeting is solely to view the site of a planning application in order to gain more information with reference to the site and its setting. It is not to continue the debate or express any views.

For example, where the characteristics of the site cannot adequately be described in words or by reference to plans and Members may wish to see a particular view, or where the characteristics of a site are particularly complex (for example spatial relationships between buildings or particular changes to levels). Therefore a proposal can be made for deferral of the item in order for a formal site visit to be held, as with all Planning decisions the reasons for the proposal must be given and noted in the minutes.

Alternatively if a new issue is raised at Planning Committee that has not been covered by the case officer's report or presentation and the Chair in conjunction with the Lead Officer agrees it is essential to view the site. This will be a rare occasion only.

When will a site meeting be held?

A site meeting will be held after the consideration of a planning application by the planning committee and a decision to defer the item.

Who can call for a site meeting?

The planning committee may decide to defer an application for a site meeting in their consideration of an item on the committee agenda.

Who can attend a site meeting?

- Lead Officer
- Case Officers
- Democratic Officer
- Expert Officers as required (e.g. highways, affordable housing)
- Chairman and Vice-Chairman of the relevant Planning Committee
- Members of the relevant Planning Committee
- Electoral Division Member(s)

- Consultees including the Local Parish or Town Council
- The applicant and one representative
- All those who registered to speak

Procedure

The site visit will be led by officers, who will point out factual information in relation to the proposal and indicate to the committee where the new development is proposed to take place. The Chair may also invite those attending to point out physical features, as points of fact, to the committee, however they will be asked not to present any views or opinions as these will already have been included within the relevant committee report and should if desired be presented to the meeting of the Planning Committee as part of the agreed public speaking arrangements. If the site visit highlights issues that are not addressed in the officer's report, this should be raised with the officer prior to the Committee Meeting.

The Chair has a right to impose a time limit. The usual running order is set out below, however the Chair has the right to change the running order. The usual running order will be:

1. Chair's introduction
2. Case Officer's (or an alternative appropriate officer) introduction
3. Those in attendance may wish to point out features within the site or setting that they wish the Committee to take into account
4. Local Electoral Division Member may wish to point out features within the site or setting that they may wish the Committee to take into account
5. Case Officer's (or alternative appropriate officer) summary
6. Chairman's closing remarks

A report of the site meeting will be made to the next appropriate meeting of the relevant Planning Committee.

Informal Site Visit Procedure

Purpose of the site visit

The sole purpose of a site visit is to view the site of a planning application in order to gain more information with reference to the site and its setting.

The site visit is at the discretion of the Lead Officer for the relevant Planning Committee where it is evident from the outset that a site visit would be useful and to proceed to Committee without first carrying out such a visit would potentially delay an application unnecessarily.

This is generally used on large scale complex applications only. If access is required to the site, the Lead Officer in conjunction with the case officer will arrange with the applicant/agent to gain the appropriate access. It should be stressed that neither the applicant nor agent can attend.

When is a site visit held?

A site visit will be held prior to the consideration of a planning application by the planning committee.

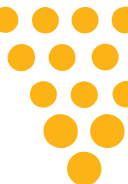
Who can attend a site visit?

- Lead Officer for the relevant Planning Committee
- Case Officer or an appropriate alternative Officer
- Members of the Planning Committee
- Electoral Division Member(s)

Procedure

The Case Officer (or an alternative appropriate Officer) will describe the proposed development and point out any physical features on the site that are relevant to the consideration of the proposals.

A record of when the site visit took place and who attended will be placed on the planning application file.





CONSULTATION RESPONSES

During the period that the planning application is under consideration, local councils and other interested parties can login to the Online Planning register (using this link: <https://www.cornwall.gov.uk/eplanning>) and view not only the submission documents, but all the consultation and third party submissions. Local council clerks may find it useful to download or print off copies of consultee responses ready for their meetings, or be able to access them online at their meetings.

SIGN OFF – OFFICER REPORT

Delegated reports:

The majority of planning applications are determined by officers without the need for committee consideration and reports prepared by planning case officers for officer decision are known as delegated reports. Delegated reports are not required in all cases depending on the type of application under consideration and, in relevant cases, whether views contrary to the case officer's intended recommendation have been expressed.

Signing off arrangements

Principal Development Officers, Senior Development Officers and

Development Officers (who have been granted appropriate authorisation) can sign off and issue their own decisions in the following circumstances:

- All Prior Notification Applications.
- All pre-application enquiries, 'Do I need consent' applications, non-material amendment applications, discharge of condition applications.
- All types of planning application being recommended for approval where there are no objections and where the officer recommendation accords with the views of the Local Council and Divisional Member.

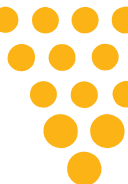
- Certificate of Lawfulness for Proposed Use or Development.
- Tree related decisions, including applications for works/ felling trees subject to Tree Preservation Orders, and 5 day notice of works to trees in a Conservation Area.

In all other circumstances, e.g.

- Applications where objections have been received.
- Applications being recommended for refusal.
- Certificate of Lawfulness for Existing Use or Development.

applications must be countersigned by another member of the relevant Area Team who has been granted appropriate authorisation or any Group Leader, or 5th Tier Manager.

Environmental Impact Assessments, Screening and Scoping Opinions (in relation to Environmental Impact Assessments) and Habitat Regulations Reviews/Assessments must be signed off by Heads of Service, 5th Tier Managers, or Group Leaders.





SIGN OFF - COMMITTEE REPORT

Committee reports:

Reports prepared by planning case officers for committee consideration are checked by the relevant Strategic Manager or Group Leader prior to sign off. The Manager or Group Leader will discuss any issues, corrections or amendments with the case officer before the report is placed before legal officers for checking. Any comments and suggestions made by legal officers are considered by the planning case officer, if necessary in consultation with a Manager or Group Leader, prior to final sign off by the Manager/Group Leader.



STRATEGIC AND AREA COMMITTEES

There are four Planning Committees in Cornwall Council - The Strategic Planning Committee (SPC) that looks at larger applications from across Cornwall and then three Sub-Area Committees – East, Central and West. They have set dates throughout the year and the details including agendas and minutes can be found at:

There is a useful guide to planning committees, the way in which they operate and what is expected of the various parties attending a committee and this can be found under the drop down button entitled Running order and procedures at Planning Committee.



TECHNICAL BRIEFING TO STRATEGIC PLANNING COMMITTEE (SPC)

Purpose of Technical Briefing

To provide Members with detailed information on a prospective planning application.

Agreement to hold Technical Briefing

The Case Officer or alternative appropriate officer will discuss with the Lead Officer in Development Management to agree the briefing.

When will the Technical Briefings take place?

Briefings are held prior to an application being considered by Committee. The Case Officer or alternative appropriate officer will liaise with the Democratic Services Officer and Lead Officer to identify an appropriate date which does not clash with other Member meetings and meeting room will be booked.

Who will be in attendance at the Technical Briefing?

The Case Officer or alternative appropriate officer, the Lead Officer, (Development Management) together with the Legal Officer.

Who will organise expert officer attendance?

The Case Officer or alternative appropriate officer in consultation with the Lead Officer will organise and invite officer attendees.

Other Attendees?

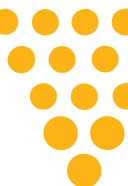
- Applicant/Agent – invited by the Case Officer
- Committee Members, Substitute Members and Local Electoral Division Member – invited by Democratic Services Officer
- Parish and Town Council Representatives – invited by Democratic Services Officer
Other professional advisors as appropriate

Briefing the Applicant/Agent

The Case Officer or an alternative appropriate officer will brief the Applicant/Agent as to the format of the Technical Briefing and the required presentation and degree of detail. The Applicant/Agent makes a presentation at the meeting and answers questions.

Record of the Technical Briefing

The Case Officer or an alternative appropriate officer will take notes for the planning file. Technical briefings are not public meetings and the public cannot attend.





> Delegated
> Committee

> Approved
> Refused

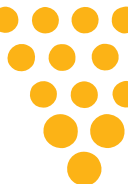
SECTION 278 AGREEMENTS

Under Section 278 of the Highways Act 1980, a local highway authority can enter into a legal agreement with a developer (in order to facilitate development) for the developer to either pay for, or make alterations or improvements to, the highway.

Please follow this link to see the relevant legal section:
<http://www.legislation.gov.uk/ukpga/1980/66/section/278>

This link will take you to the Highways and Infrastructure Adoptions page, see side bar for 'Standard Documents' page containing the relevant procedure and forms:

<https://www.cornwall.gov.uk/roadadoptions>



MAKING A NON-MATERIAL AMENDMENT TO A PLANNING PERMISSION

Is there a definition of a non-material amendment?

There is no statutory definition of 'non-material'. This is because it will be dependent on the context of the overall scheme – an amendment that is non-material in one context may be material in another. The local planning authority must be satisfied that the amendment sought is non-material in order to grant an application under section 96A of the Town and Country Planning Act 1990.

Can an application to make a non-material amendment be made using the standard application form?

Yes; An application seeking a non-material amendment to a planning permission can be made using the standard application form.

Further information about the process of applying for a non-material amendment can be found at Annex A: summary comparison table.

Can this procedure be used to make non-material amendments to listed building consents?

No; The procedure cannot be used to make non-material amendments to listed building consents. It only applies to planning permissions.

Is consultation/publicity required?

As an application to make a non-material amendment is not an application for planning permission, the existing Town and Country Planning (Development Management

Procedure) (England) Order 2015 provisions relating to statutory consultation and publicity do not apply. Therefore local planning authorities have discretion in whether and how they choose to inform other interested parties or seek their views.

Cornwall Council has decided that it will publish all Non Material Amendment applications for a 14 day period and notification will be sent directly to the Electoral Division Member and the relevant Local Council. There are unlikely to be effects which would need to be addressed under the Environmental Impact Assessment Regulations 2011.

Is notification required?

As an application for a non-material amendment is not an application for planning permission, the normal provisions relating to notification do not apply.

Instead, before the application is made, the applicant must notify anyone who is an owner of the land which would be affected by the non-material amendment or, where the land comprises an agricultural holding, the tenant of that holding. The applicant must also record who has been notified on the application form. Anyone notified must be told where the application can be viewed, and that they have 14 days to make representations to the local planning authority. There is no prescribed form for this and no requirement for an ownership certificate or an agricultural holdings certificate to be provided. These requirements are set out in article 10 of the Town and Country Planning

(Development Management Procedure) (England) Order 2015.

What is the time period for determination?

The time period for determination is 28 days, or a longer period if that has been agreed in writing between the parties.

What does the local planning authority have to take into account when making its decision?

The local planning authority must have regard to the effect of the change, together with any previous changes made under section 96A. They must also take into account any representations made by anyone notified, provided they are received within 14 days of notification. As this is not an application for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 does not apply.

What is the procedure for issuing a decision?

The decision must be issued in writing. There is no prescribed form for this.

What should the decision letter cover?

The decision only relates to the non-material amendments sought and the notice of the decision should describe these. It is not a reissue of the original planning permission, which still stands. The two documents should be read together.





CONFIRMING PLANNING CONDITIONS HAVE BEEN DISCHARGED

We offer an additional service in relation to checking compliance with planning conditions and Section 106 agreements. Further information and the relevant fees can be found on pages 9 and 10 of this document:

<https://www.cornwall.gov.uk/planningfees> (see first link)

and the application forms can be found here:

<https://www.cornwall.gov.uk/planningfees> (last link under 'Additional Services' section)



> Delegated
> Committee

> Approved
> Refused

APPLICATIONS TO VARY PLANNING CONDITIONS

Information on how to vary planning conditions can be found here:

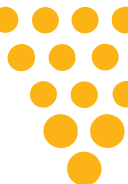
https://ecab.planningportal.co.uk/uploads/1app/guidance/guidance_note-application_for_removal_or_variation_of_a_condition.pdf

and here:

<https://www.gov.uk/guidance/flexible-options-for-planning-permissions#make-minor-material-amendments>

These applications appear on the weekly list and comments can be made on them by local councils and third parties.

There can also be applications to vary the clauses in a Section 106 Planning Legal Agreement. These are usually made via an application form, but can also be submitted by letter of request on permissions that are less than 5 years old. They can be to alter the requirements placed on an applicant in terms of the Developer's Contributions that might be required to be provided alongside the development. The local council is also consulted on such applications.





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> Committee

> Approved
> Refused

THE BUILDING REGULATIONS

Information on and details of the Building Regulations and Approved Documents can be found by clicking on this link:





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> Approved
> Refused

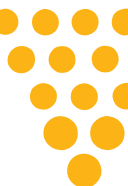
CORNWALL COUNCIL BUILDING CONTROL

The application process is different for Building Regulation approval and information can be found in our Building Control section. All controlled building work is subject to Building Control approval to ensure that development meets with the national Building Regulations.

Applications for work that does not fall under the category of a High-risk Building (HRB) can be made to the Council's Building Control service, which operates on a not for profit basis. Alternatively you can chose a private provider known as a Registered Building Control Approver (RBCA).

All HRB work however needs to be submitted directly to the Building Safety Regulator. Higher-risk building means a building in England that:

- (a) is at least 18 metres in height or has at least 7 storeys, and
- (b) is of a description specified in regulations made by the Secretary of State.

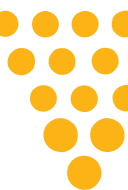




RESUBMISSION

The National Planning Policy Framework 2012 encourages local planning authorities and developers to work together proactively to promote sustainable development; to find solutions rather than problems (para. 187). In the event of an appeal being lodged, the Planning Inspector will often ask whether the Council and the appellant have attempted to overcome the reason(s) for refusal prior to pursuing the appeal, which should be seen as a last resort.

The Council welcomes discussions with applicants following the refusal of a planning application, within 6 months of the Council's decision.



TYPES OF APPEAL

If a planning application is turned down by the Council the applicant has a right to appeal the decision. An appeal should only ever be a last resort; Cornwall Council successfully defends an average of 70% of the appeals received, therefore applicants are encouraged to contact us in the first instance in an attempt to overcome the grounds for refusal as an amended scheme may be achieved which could avoid an unnecessary appeal, saving you time and money.

You can appeal to the Planning Inspectorate if your application was:

- refused permission or granted permission but with conditions you think are inappropriate
- if the Council failed to approve the details of a scheme which they or the Secretary of State have already given outline planning permission for
- if the Council rejected a proposal arising from a condition on a planning permission
- if the Council doesn't decide your application within the time allowed
- if the Council has told you more information is needed before determining your outline planning application, but you do not want to supply this.

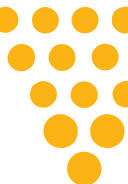
An appeal can be submitted within six months (12 weeks in the case of householder applications) of a decision and may be dealt with in four different ways:

Fast track Householder appeals - this is an expedited process for appeals on most householder planning applications.

Written representation - this is the most usual way that appeals are dealt with. Each side submits its case in writing and an inspector visits the site. This is the speediest way of getting a decision.

Informal hearing - this allows cases to be heard verbally, as well as by written submission, during round table discussion involving the planning inspector, the appellant, a planning officer, and sometimes third parties.

Public inquiry - this is a formal process with each side presenting evidence to a planning inspector. Often participants are represented by legal professionals, and witnesses will be cross-examined on their evidence. Third parties may participate.





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NOTIFICATION

Within one week of the start date, the Council must notify the following that an appeal has started:

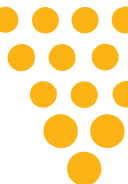
- all consultees* on the planning application and all abutting neighbours** regardless of whether they commented on the planning application.
- any other contributors.

The notification informs parties of the procedure for the appeal and states the deadlines for further representations.

The Council must provide to the Planning Inspectorate a list of all parties notified of the appeal.

*Depending on the appeal case being made, it is sometimes necessary to contact specialist consultees beyond those previously consulted. In the case of enforcement appeals where there was no previous planning application, consultees are identified and invited to comment early in the appeal process.

** Householder fast-track appeals – neighbours are notified but are not able to make any additional representations to the Planning Inspectorate.



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> Refused

PROCESS

Information on the process for the four types of appeal can be found here:

Fast track householder appeals:

<https://www.gov.uk/appeal-householder-planning-decision>

Written representations:

<https://www.cornwall.gov.uk/planningadvice>,

see 'Appeals' in side bar, first link under the 'The appeal process' section

Informal hearing:

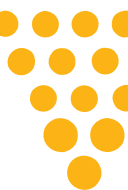
<https://www.cornwall.gov.uk/planningadvice>,

see 'Appeals' in side bar, second link under the 'The appeal process' section

Public inquiry:

<https://www.cornwall.gov.uk/planningadvice>,

see 'Appeals' in side bar, third link under the 'The appeal process' section





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LOCAL COUNCIL INVOLVEMENT

Local Councils and others who are interested in the outcome of an appeal (often called “third parties”, “interested parties”, “interested people” or “interested persons”) have an important role to play in the planning process. Their representations indicating support for, or opposition to, a proposed scheme are taken into account along with other material considerations.

The following documents explain how interested people can get involved in the appeal process for the different types of appeal:

Written representations:

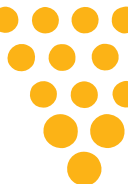
<https://www.gov.uk/government/publications/planning-appeals-dealt-with-by-written-representations-taking-part>

Informal hearing:

<https://www.gov.uk/government/publications/planning-appeals-dealt-with-by-a-hearing-taking-part>

Public inquiry:

<https://www.gov.uk/government/publications/planning-appeals-dealt-with-by-an-inquiry-taking-part>



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GDPR CONSIDERATIONS/ENFORCEMENT WEBPAGE/ENFORCEMENT FLOWCHART

When providing updates on Planning Enforcement Investigations the Council must be mindful of the constraints of the General Data Protection Regulation which limits how much information the Council can release. In most circumstances the Council will be able to provide you with general information which should offer some clarity as to what stage the investigation has reached and the likely time scales involved before matters can be progressed. However, The Council will not be able to provide you with any personal or private details such as the names of individuals involved, their contact details or any specific information that the Council may have gathered during the course of its investigation.

The [Enforcement](#) webpage provides helpful information on planning enforcement investigations and includes a link to the Planning Enforcement Flowchart. The flowchart sets out clearly the steps involved in the enforcement investigation process.

