

Planning Information

What Kind of Application Do I Need?

There are two sets of legislation where approval may be required by the Council, one under the Town and Country Planning and similar Acts, and the second under Building Regulations. You may need either Planning Permission or Building Regulations or both.

Planning laws regulate the development in the public interest; failure to comply may result in the Council taking enforcement action to ensure that the site or building is reinstated to its previous use or condition. Building Regulations ensure that buildings are constructed in accordance with technical requirements governing health and safety, failure to comply is a criminal offence.

This leaflet covers the several kinds and types of applications that may be required. To check whether you require Building Regulations please refer to their relevant leaflets.

It is important that in all applications any Confidential Information is clearly marked as Confidential when submitting the planning application.

Explanations of different types of Planning Applications.

- **Outline Permission**

Outline applications allow for a decision on the general principles of how a site can be developed, however they must contain a basic level of information on the following issues.

- Use or uses proposed for the site.
- Amount of development proposed for each use.
- An indicative layout (with separate development zones within the site boundary where appropriate).
- An indication of the upper and lower limits for height, width and length of each building within the site boundary.
- Indicative access points showing an area or areas in which the access points to the site will be situated.

An outline permission will be subject to a condition requiring a further application for the *approval of reserved matters* within a specified period of time. Outline applications cannot be submitted for changes of use and are not normally appropriate for householder development or development within conservation areas.

For outline planning permission you will need to submit 2 copies of each of the following; Planning Application form, Site Location Plan, Block Plan and a Design & Access Statement (see below or obtain a copy of the Design & Access Statement Guidance Notes). The appropriate fee must also accompany the above. Further guidance relating to plans is included later in this note under 'Drawings to be submitted'.

- **Approval of Reserved Matters**

This type of application applies where an outline planning permission is still valid and you wish to obtain approval for the matters which were not dealt with at the outline stage. Please indicate which of your Reserved Matters your application relates to. It will also be helpful if you can provide the reference number of the relevant outline permission. The Reserved Matters are;

- Layout – the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- Scale – the height, width and length of each building proposed in relation to its surroundings.
- Appearance – the aspects of a building or place which determine the visual impression it makes, excluding the external built form of the development.
- Access – this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- Landscaping – this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft landscaping e.g. tree/hedge planting and screen walls/fences.

For the approval of Reserved Matters you will need to submit 2 copies of each of the following; Planning Application form, Site Location Plan, Block Plan, and relevant scaled drawings,. The appropriate fee must also accompany the above.

Further guidance relating to plans is included later in this note under 'Drawings to be submitted'.

- **Full Permission**

If you wish to change the use of land or buildings, or carry out work, including the erection of buildings where you do not wish to submit an outline application then you require a full application. Also where development has already been carried out without permission you will need to submit a full application to regularise the position. Permission may be granted with certain conditions imposed. The permission will lapse after three years if not implemented.

For full planning permission you will need to submit 2 copies of each of the following; Planning Application form, Site Location Plan, Block Plan, and relevant scaled drawings. The appropriate fee must also accompany the above. Further guidance relating to plans is included later in this note under 'Drawings to be submitted'.

- **Application to replace extant planning permission, in order to extend time limit for implementation**

Where the applicant is seeking to extend the time limit for implementation an application can be submitted.

Planning permissions are granted subject to time limits for implementation, which are set out in Condition 1. This condition specifies the development must be begun before a certain time.

If an application made on this form is granted, the result will be a new planning permission/consent with a new time limit. The original permission will continue to exist whatever the outcome of this application.

It is not possible to use this procedure where the development has already commenced, where the permission/consent has already expired at the time of the application, or where the permission/consent was granted 1 October 2009. In those cases, a new application will have to be made. It is not possible to use this procedure solely to extend the time limit for submission of reserved matters. Applicants will have to seek a replacement for the outline permission itself, which if successful would create new time limits for the submission of reserved matters and for subsequent implementation.

For extension of time limit you will need to submit 2 copies of each of the following; Application form, Site Location Plan, Block Plan, and relevant scaled drawings. The appropriate fee must also accompany the above.

- **Design and Access Statements**

Some types of application require you to submit a Design and Access Statement. This is a report accompanying and supporting a planning application to illustrate, explain and justify the design process that has led to the proposal and how access arrangements have been considered.

A Design and Access Statement must accompany planning applications for both outline and full planning permissions. They are also required for listed building consent. However, not all types of planning application will require a statement.

If your proposal relates to either;

- A material change in the use of land or buildings (unless it involves operational development).
- Engineering or mining operations.
- Development of an existing dwelling house or development within the curtilage of a dwelling house.

then you will **not** need to submit a Design and Access Statement

Design and Access Statements are also **not** required for applications relating to advertisement control, tree preservation orders or storage of hazardous substances.

Further information about Design and Access Statements is contained in a separate guidance note.

- **Non-Material Amendment**

Following a grant of planning permission, it may be necessary to make small amendments to the permission, for example changing a finish or moving a door or window. Where these are non-material, this form can be used to apply. Whether or not a proposed amendment is non-material will depend on the circumstances of the case – for example, moving a window could be material if it results in the overlooking of a neighbour, but could be non-material if it does not.

If you are uncertain, you may wish to seek pre-application advice from the Planning Department.

If an application made is successful, the result will be an amendment to the original planning permission. No new planning permission is required. However, if the non-material amendment is not successful then you may be advised a fresh planning application will be required.

For non-material amendment you will need to submit 2 copies of each of the following; Application form and relevant scaled drawings clearly showing the amendment(s). The appropriate fee must also accompany the above. Please note in the case of Listed Building Consent/Conservation Area Consent for this type of application 3 copies will be required of the above and no fee.

- **Renewal of temporary permission or continuation without complying with condition (73A)**

If permission has already been implemented by carrying out the development, but you wish to remove the limitation contained in a condition, you should apply for planning permission to retain the building or continue the use without complying with the condition. Also if permission is granted for a limited period and you wish to renew it.

We require 2 copies of each of the following Ownership certificates, site plans, covering letter to confirm as previous, quoting relevant reference number, (condition number if applicable) and fee.

- **Modification of Conditions (73)**

If approved development has not been started you can apply for permission to carry out the development without complying with a condition attached to the original permission.

We require 2 copies of each of the following Ownership certificates, site plans, covering letter to confirm as previous, quoting relevant reference number, (condition number if applicable) and fee.

- **Ownership Certificates**

These are a legal requirement of any application and are found on the reverse of the planning application forms. They should be signed relating to both the ownership of the land and agricultural holdings. If the ownership is not known then another form is required – please ask at Planning Reception.

Please note that any certificate found to be false will be considered by the Council with a view to possible legal action.

Occasionally some types of development must be advertised by the applicant, and certificates to confirm that this has been done must be submitted.

- **Lawful Development Certificates**

These are split into two categories:

Section 191 Certificate – These are applied for if an existing development is already in use and you need to confirm that it can continue lawfully. They replaced the old ‘established use certificate’.

Section 192 Certificate – This is if you are unsure whether a particular development needs permission and whether the proposed development would be lawful without applying for permission.

We require 2 copies of the relevant Lawful Development Certificate form, site plans, relevant fee, detailed plans (if applicable) and supporting evidence.

- **Advertisement consent**

Certain advertisements require the consent of the Planning Authority. Advertisements include signs, notices, banners, flags and many other forms of advertisement. You may need both Advertisement consent and Full planning permission.

We require 2 copies of Advertisement forms, relevant drawings, including details of the advertisement, and fee.

- **Listed Building Consent/Conservation Area Consent**

Listed Building Consent– if you wish to carry out work to a listed building, you may need Listed Building Consent. You may also need Full planning permission.

We require 3 copies of each of the following Listed Building Consent forms, site plans, relevant scaled drawings, no fee required.

Conservation Area Consent – if you wish to carry out work which includes demolition of a building in a Conservation Area you may need consent.

We require 3 copies of each of the following Conservation Area forms, site plan, block plan, no fee is required.

- **Modification of Conditions – attached to Listed Building/Conservation Area Consent**

If you have an interest in a building where Listed Building Consent or Conservation Area Consent has been granted and you wish to vary or discharge conditions.

We require 3 copies of each of the following; forms (clearly indicate relevant condition you wish to modify), site plan, relevant information and no fee is required.

- **Listed Building/Conservation Area Ownership Certificates**
Any application for Listed Building Consent or Conservation Area Consent must be accompanied by a Certificate relating to ownership which is attached to Listed Building/Conservation Area form.

- **Tree Consent**
If you wish to fell or lop a tree which is protected by a Tree Preservation Order or it is within a Conservation Area you must notify the Authority by submitting a 'Protected Tree Work Form', site plan and no fee required.

- **Determinations**
In some cases for example, erection of telecom equipment and agricultural buildings or demolition of dwellings, which do not require formal planning permission may need approval of the design or details of the work. You must check whether a determination approval is necessary in your case.

Two copies of Determination forms, site plan and fee are required.

- **Condition Compliance**
If a permission or consent requires the Authority's approval of certain conditions before some activity can be carried out, you should apply for condition compliance consent submitting the relevant details. Failure to seek approval of these pre-commencement details may render your planning permission invalid.

Two copies of Condition Compliance forms, relevant drawings and fee are required. Please See Fee Leaflet attached to this booklet.

- **Amendments**
Amendment approval is required if you wish to change details of a submitted current application. Please give precise details of the amendment. If the planning officer feels the amendment is too significant then a new planning application may need to be submitted.

Please submit 2 copies of Planning Amendment form (obtained from the planning department) and relevant drawings. No fee is required.

- **Running a Business from Home**
A formal letter should be submitted to the Planning Department detailing the following : the use, the rooms/buildings to be so used; number of employees, estimated daily visitors (including customers/deliveries/outworkers); hours to be worked; machinery/equipment to be used (excluding telephone/computer/fax); any additional information you may wish to bring to the attention of the Local Planning Authority.

Drawings to be submitted

You can prepare the drawings yourself or a professional can do them for you. In each case they need to be to a metric scale. Two copies of each set of plans are required to make an application, unless stated otherwise.

Site Location Plans – Scale 1:2500 (application site outlined in red and any other land in the same ownership outlined in blue).

Block Plans – Scale 1:500 should show the boundaries of the plot (with written metric dimensions to all boundaries of the proposal). Also show position of all existing and proposed new buildings/extension.

Building plans – Scale not less than 1:100 should show plan of every floor.

Elevational plans – Scale not less than 1:100 should show all four elevations.

If the proposal involves alterations to an existing building, the existing and the proposed new work should be clearly indicated.

Plans are available for inspection by the public.

Listed Buildings – plans will need to be to a larger scale (see Listed Buildings leaflet).

Important : Accuracy of Plans

Decisions will be made on the basis that drawings are accurate in all respects and any errors could result in a decision being void and enforcement action being taken. Plans disclaiming accuracy will not be accepted. Applications containing significant misleading details of the proposal or its relationship to its surroundings are likely to be refused on that basis.

It is important to use metric dimensions on the plans, and include written dimensions to all boundaries from the proposal.

In particular, properly drawn detailed plans to an appropriate scale will be required for proposals in Conservation Areas or affecting Listed Buildings, and without these they may not be accepted.

PLANNING FEES

Operation	Works to be done	Fee Payable
1. Erection of dwellings (Outline)	- up to 2.5 hectares - over 2.5 hectares	£335 per 0.1 hectares. £8285 plus an additional £100 for each 0.1 hectare above 2.5 hectares (<i>subject to a maximum of £125,000</i>).
2. Erection of Dwellings (Full or Reserved Matters)	- 50 or fewer dwellings - more than 50 dwellings	£335 per dwelling. £16,565 plus an additional £100 for each dwelling in excess of 50 dwellings (<i>subject to a maximum charge of £250,000</i>).
3. Alterations, Extensions, Garages, Fences, Gates etc	- one dwelling affected - two or more dwellings affected	£150. £295.
4. New Vehicular Access		£170.
5. Buildings other than dwellings (Outline)	- up to 2.5 hectares - over 2.5 hectares	£335 per 0.1 hectares. £8,285 plus an additional £100 for each 0.1 hectare above 2.5 hectares (<i>subject to a maximum charge of £125,000</i>).
6. Buildings other than dwellings (Full and Reserved Matters)	- 40 square metres or less of new floor space - in between 40 and 75 square metres of new floor space - in between 75 and 3750 square metres of new floor space - over 3750 square metres of new floor space	£170. £335. £335 per each area of 75 square metres of new floor space created. £16,565 plus an additional £100 for each 75 square metres of new floor space above 3750 square metres (<i>subject to a maximum charge of £250,000</i>).
7. Change of Use of buildings to dwellings	- where there is 50 or less new dwellings to be created - where there is 50 or more new dwellings to be created	£335 for each NEW dwelling. £16,565 plus an additional £100 for each dwelling created in excess of 50 dwellings (<i>subject to a maximum charge of £250,000</i>).
7a. Replace an Extant Planning Permission (extend time limit)	- Major developments (10 or more dwellings) - House developments - Minor/Other developments	£500. £50. £170.
8. Other Changes of Use	- material change in the use of a building or land	£335.
9. Erection of Agricultural Buildings – other than greenhouses (Outline)	- up to 2.5 hectares - over 2.5 hectares	£335 per 0.1 hectares. £8285 plus additional £100 for each 0.1 hectare above 2.5 hectares (<i>max charge £125,000</i>)

10. Erection of Agricultural Buildings - other than greenhouses (Full and Reserved Matters)	- 465 square metres or less of new floor area created	£70.
	- in between 465 and 540 square metres of new floor area created	£335.
	- in between 540 and 4215 square metres of new floor area created	£335 for the first 540 square metres of floor space created plus an additional £335 for each 75 square metres in excess of 540 square metres.
	- over 4215 square metres	£16,565 plus an additional £100 for each 75 square metres in excess of 4215 square metres <i>(subject to a maximum charge of £250,000)</i> .
11. Erection of glasshouse on land used for agricultural purposes.	- under 465 square metres of gross floor area	£70.
	- over 465 square metres of gross floor area	£1870.
12. Erection, Alteration or Replacement of Plant Machinery	- where the site area does not exceed 5 hectares	£335 for each 0.1 hectares.
	- where the site area exceeds 5 hectares	£16,565, plus an additional £100 for each 0.1 hectare in excess of 5 hectares <i>(subject to a maximum charge of £250,000)</i> .
13. Advertisements	- on business premises	£95.
	- for business premises	£95.
	- all other adverts	£335.
14. Other operations	- any other operation not covered by the categories above	£170 per 0.1 hectare of the site <i>(subject to a maximum charge of £250,000)</i> .
15. Agricultural/Demolition Determination		£70.
16. Discharge of Condition Compliance	Where the condition relates to a application for extension or alteration to a dwelling house	£25.
	Where the condition relates to any other form of application.	£85.
17. Renewal of temporary permissions/modification of conditions		£170.
18. Lawful Use Certificates		Please ask. Section 191 – clarification of a Lawful Use (existing) – the fee is whatever it would have been if an application was to be submitted. Section 192 – enquiry if they need permission (proposed) – the fee is ‘half’ what it would have been if a full application was to be submitted.
19. Wind Turbines (not domestic)		Please ask.

20. Non-Material Amendment (following grant of planning permission)	- Householder developments	£25.
	- Other developments	£170.

(26/02/10)

Fees

A payment is required to accompany most applications, depending on the type of application and the work proposed. Fees are set by central Government. See 'Planning Fees' incorporated in this booklet.

What Happens to a Planning Application?

Applications for planning permission are handled by the Council in accordance with Acts of Parliament, Government advice and Regulations which apply throughout the Country.

Checking

On receipt of an application it is checked to make sure that the forms and certificates have been completed correctly, and that the forms, plans and drawings give enough information about the proposed development and that the correct fee has been paid. If anything is incomplete or missing we will invalidate the application and send a letter to the applicant or agent requesting the information. The application will be kept on hold until it is validated.

If an agent such as an architect, consultant or other professional, has been employed to submit the application on behalf of the applicant, all correspondence from receipt to final decision notice will be sent to them.

Registration

Once an application has been validated it is then registered with a planning reference number. The applicant or agent will be sent an acknowledgement letter indicating the time scale and the reference number. Also a fee receipt will be sent to accompany the letter.

Please quote the planning reference number in correspondence or telephone calls to the office. It will begin with the letter H__-____-__ (parish number)-(reference number)-(year).

The application details are entered in the register of applications (Part I Register) and are available for public inspection in the Council Offices. We search records for any previous planning decisions relating to the property.

Consultations

Consultees are asked for their technical comments on applications. They may include Government and Local Authority Departments, County Council Highways, the relevant Internal Drainage Board, Environment Agency, English Heritage and other public bodies where applicable.

Precisely which departments are consulted will depend upon what development is proposed. Local representatives will be consulted, including the District Councillor(s) for the Village or Ward and the relevant Parish Council.

Publicity

The amount of publicity given to an application depends upon the type of development proposed, the location of the land or premises. Neighbours may be notified individually at the discretion of the Planning Officer, but generally a site notice will be posted on or around the application site, and an advert may be inserted in the local press.

Please note other interested parties are able to view our weekly list (updated on our website) and obtain addresses to forward details of their businesses and the local press may also use this information to place in their publication.

A time limit will be stated giving people time to view the plans and make comments. Any letters of objection or comments received after that time may not be considered.

Relevant objections or comments received will be taken into account as part of the assessment of the application.

Assessment

A site visit is made by the Planning Officer to assess the proposal and its surroundings, taking account of the Council's current planning policies, previous decisions, Government Guidance, the effect of the development upon the locality, the observations from other authorities consulted, and comments from the Parish Council, Ward Member and the general public.

The Decision

The Chairman's Panel meets every two weeks to decide on whether an application should be decided at the Development Control Committee or by 'delegated powers' (see below for more information on these).

Chairman's Panel only role is to advise the planning officers which of these methods should be used to determine the application, the Panel does not actually make any decisions on the outcome of the applications. The planning officer will write a brief report on each application that is sent to the Chairman's Panel, these reports are held with the application and thus can be viewed by the public.

The Development Control Committee generally meets once every four weeks to make decisions on applications. The public may attend these meetings, but cannot take part in discussions.

The Councillors are provided with a written report on each application, this includes the Head of Planning & Development's recommendation, approximately one week before each meeting. Copies of the agenda and accompanying papers are available free of charge for public inspection for three working days prior to the Committee date. No further information or representations about the application can be submitted after the report has been published.

The Committee has delegated to the Head of Planning and Development authority to grant or refuse permission for certain proposals. About 80% are dealt with under these delegated powers and the remaining are dealt with by the Development Control Committee.

The applicant or agent will be sent the official notification of the final decision on their application, either granted or refused. If an agent has been employed to submit the application on behalf of the applicant, all correspondence will be sent to him. The decision notice should be read carefully and retained as it is a legal document which relates to the land or premises whoever the owner is, now and in the future.

If permission has been granted, there may be conditions which must be complied with before or during development. If the applicant is aggrieved by a refusal of planning permission, or by a condition imposed on a permission granted, the applicant has a right of appeal to the Secretary of State, details of which are supplied with the decision notice. Further information about appeals is available from the Planning and Development Department.

How long does this take?

Generally applications can take around 6-8 weeks before a decision can be made, unless the applicant agrees to a longer period. However, many straightforward applications can take less time; complicated applications can take longer than the eight week period. If amendments are made to an application while it is being assessed, or if we have asked for further information, this will add to the time taken to deal with it.

All applications have to go through stages to give consultees and the public reasonable time to make their observations.

When can the development start?

When planning permission is granted this does not automatically mean that the development can start.

Proposed building work may require Building Regulation Approval. Advice can be obtained either from the Planning Department or the Building Control Department.

Other permissions, ie, licences, may be required from the District Council or other authorities depending on the proposal.

If there are conditions imposed on the planning permission they may need approval before development can commence.

Planning permission given to land not in the developer's ownership cannot start until all necessary permissions/ownership is finalised. Further advice and confirmation should be obtained from a Solicitor.

What information am I allowed to see?

Planning Applications

Part I Register

All planning applications submitted are available for public inspection in the Council Offices. This includes planning application form, site location plan, block plan and detailed drawings. Also all planning applications can be viewed on the South Holland District Council's website www.sholland.gov.uk, go to planning, full search and enter the planning reference number.

Copies of the above can be obtained at a charge, for the general public to make their comments or observations. Information considered to be confidential, for example relating to 'financial details' of the applicant, is not available for public inspection.

The Planning Officer's 'working file' which holds all correspondence, eg, consultee replies, letters of objection, the officer's comments etc, can also be viewed when the file is available. Again, copies of letters etc can be purchased at a charge. Also contents of the 'working file' can be viewed on the South Holland District Council's website www.sholland.gov.uk, go to planning, full search and enter the planning reference number.

The application remains a Part I Register and is available in the Planning reception area until a decision has been made.

Planning Decisions

Part II Register

Once a decision has been made on an application all the contents of the file can be viewed on the website www.sholland.gov.uk.

However, due to copyright restrictions copies of the drawings and plans cannot be used, unless written consent has been obtained from the architect. Alternatively, you can obtain copies direct from the architect.

Building Regulation Approvals

Building Regulation files with all the detailed drawings and plans etc are not available for public inspection.

Copies of the relevant approval notices and completion certificates may be obtained at a charge. Prior notification would be appreciated and contact should be made to the Building Control Department.

Committee Agenda and Minutes

Copies of Committee Agendas and written reports are available prior to a Committee Meeting and also post-Committee, including Minutes. (Items which the Committee consider private are excluded from this). They can also be viewed on the South Holland District Council's website.

Access to Information Act

You have a right to inspect or obtain copies of the background papers used in the preparation of reports to Planning Committee.

Prior notification to view the above would be appreciated. (Certain reports are exempt and will not be included in the lists or be made available).

Data Protection Act

This act protects personal information contained in computer systems being disclosed to other bodies. You can also see your own personal data, where it is held and for what purpose.

Building Regulations

Compliance with Building Regulations may also be required as well as Planning Permission. You should check with the Building Control Department. The following works will need Building Regulations - erection of buildings, structural alterations or extensions to buildings, execution of any other building works or the installation of fittings, or the change of use of a building.

See separate leaflets on Building Regulations which explain the procedures using either Full Plans Submission or Building Notice.