

How to Respond to Planning Applications

March 2025



For more information visit www.cpre.org.uk and for further planning assistance contact cprepolicy@cpre.org.uk

For more information about NALC please visit www.nalc.gov.uk



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Introduction

CPRE

The countryside charity

CPRE is the countryside charity that campaigns to promote, enhance and protect the countryside for everyone's benefit, wherever they live.

With a local CPRE in every county, we work with communities, businesses and government to find positive and lasting ways to help the countryside thrive - today and for generations to come.

Your parish or town council can join CPRE from £5 a month. As an organisational member, you'll have access to support from your local CPRE group and to a monthly online webinar covering relevant planning topics.

Join today at cpre.org.uk/councilmembership



CPRE vision

A beautiful and thriving countryside that enriches all our lives



CPRE mission

To promote, enhance and protect a thriving countryside



CPRE values

Open, trusted, connected and inspirational

NALC

The National Association of Local Councils

The National Association of Local Councils (NALC) has been the only recognised national membership organisation for community, neighbourhood, parish and town councils. We work with county associations to support, promote, improve and create sustainable councils.

There are 10,000 parish and town councils in England, representing 35 million people with 16 million electors. They raise £700 million in precept and invest over £2 billion in communities. Some of the largest parish and town councils have a precept of over £1 million a year. Around 100,000 councillors spend over 14 million hours a year serving those councils to help change their community.

Over 300 new parish or town councils have been created in rural and urban areas in the last decade, with more and more communities nationwide exploring the idea further. NALC believes these vibrant and dynamic parish and town councils are at the centre of community effort, delivering services and giving their communities a democratic voice.

Find out more at nalc.gov.uk



Purpose of this guide

This planning guide has been produced by CPRE, the countryside charity and NALC, to help everyone navigate and understand the planning application process in England. This guide condenses technical info simply to help make understanding the planning system accessible to everyone.

Whether you have a particular interest, or more general concerns about the type of change your area needs, this guide will help you understand the key planning issues and present your views effectively.

How to use this guide

The guide has been produced in two parts to inform and enable you to act. If you are completely new to planning, we recommend reading Part 1 first, which will provide you with the facts and information about the process.

If you would like a refresh on a particular topic e.g. **permitted development rights**, you can go straight to that section from the table of contents. If you already have a good understanding of the planning process, but would like further assistance in responding to an application you can head straight to Part 2.

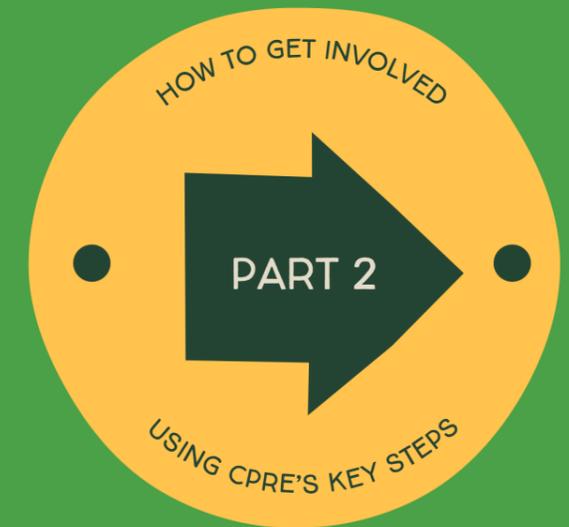
Key words are highlighted in bold throughout the guide. To find out further information about each key term please refer to the glossary of terms at the end of the guide

The guide is split into two main sections:



Part 1 provides an introduction and informative background to the English planning system and application process.

It aims to arm you with the expert knowledge you need to effectively participate in the democratic planning process.



Part 2 sets out clear, key steps you should take to effectively respond to a planning application in your area.

 www.cpre.org.uk

For more information about the English planning system and the work of CPRE please visit our website.



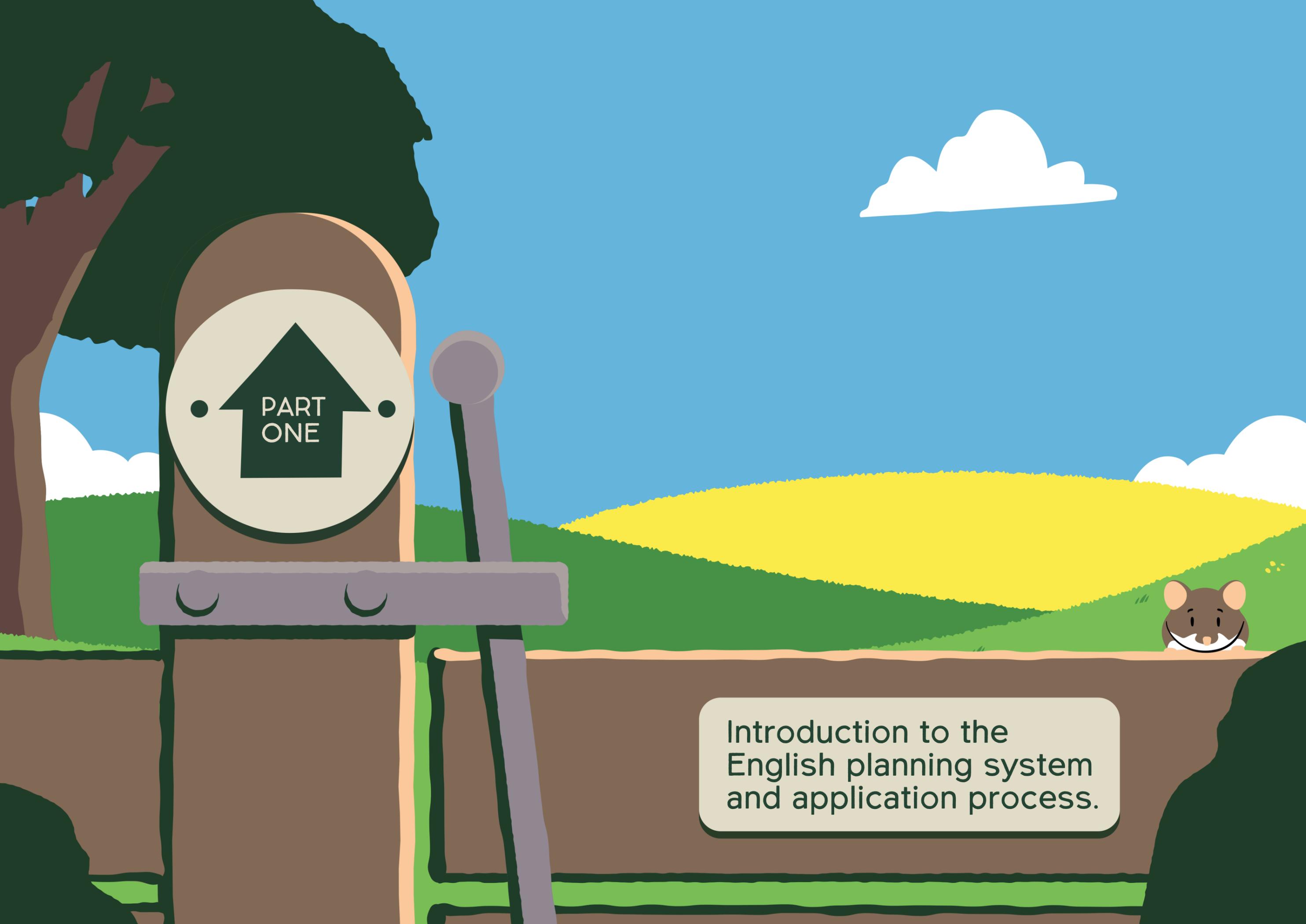
Key planning acronyms to be aware of

Planners love acronyms and they are used regularly in planning discussions and decisions. This makes it quite confusing for people not in the know!

Luckily CPRE has compiled a list of extensively used acronyms to help you navigate confusing terms and phrases.

ACRONYM	DEFINITION	ACRONYM	DEFINITION	ACRONYM	DEFINITION	ACRONYM	DEFINITION
AAP	Area Action Plan	HIA	Health Impact Assessment	PCPA	Planning and Compulsory Purchase Act	SPD/SPG	Supplementary Planning Document / Supplementary Planning Guidance
CPO	Compulsory Purchase Order An order issued by the Government or a local authority to acquire land or buildings for public interest purposes	LBC	Listed Building Consent	PDL	Previously Developed Land (commonly called brownfield land)	SSSI	Site of Special Scientific Interest
BNG	Biodiversity Net Gain	LLFA	Lead Local Flood Authority	PDR	Permitted Development Right	TA	Transport Assessment
DAS	Design and Access Statement	LPA	Local Planning Authority	PINS	Planning Inspectorate	TPO	Tree Preservation Order
GPDO	General Permitted Development Order	NDO	Neighbourhood Development Order	PPG	Planning Practice Guidance		
EA	Environment Agency	NDP	Neighbourhood Development Plan	SCI	Statement of Community Involvement		
EIA	Environmental Impact Assessment	NPPF	National Planning Policy Framework	SEA	Strategic Environmental Assessment		
		NE	Natural England				





PART
ONE

Introduction to the
English planning system
and application process.



Why is planning important?

The planning system exists to ensure that places are developed or protected in the public interest, providing checks and balances on the private sector as well as ensuring that necessary infrastructure and public services are delivered where they are needed.

It is vital that an appropriate balance is struck between delivering new developments such as new schools, homes and offices, and protecting places and buildings that are important to all of us. Planners play a key role in ensuring the places we live in are well-designed and that important public assets such as our **National Parks, World Heritage Sites** and **Listed Buildings** are protected for the future.

The planning system aims to ensure that all views on new development are considered. Members of the public are entitled to see and comment on planning applications to assist the decision-makers in deciding whether to permit development. Responding to planning applications enables you to press for decisions that are positive for your local area.

The system in England is discretionary. This means every application submitted is determined, and relevant policies are interpreted, based on site specific circumstances.





When is planning permission needed?

Development in England requires planning permission. The type of permission required will depend on the development proposed.

In general, developments will fall under three categories:



Major Development

A major development is any application that involves:

- Residential development on a site area of 0.5 hectares or greater and the number of dwellings is unknown
- Development of non-residential floorspace of 1,000 square metres or sqm or more
- Mineral extraction
- Waste development
- Residential development of ten or more dwellings
- Development on sites over 1 ha or more
- Change of use over 1,000 sqm or more



Minor Development

A minor development is any application that doesn't fall within the definition of major development, so for example it involves:

- Residential development of between one and nine homes
- Development where the floorspace is less than 1,000 sqm
- Development on sites less than 0.5 hectares
- Changes of use less than 1,000 sqm



Householder application

A householder application involves the development of an existing dwelling house (residential property) or development within the **curtilage** of a dwelling house.

Curtilage in this context means the area of land immediately surrounding the home. That could include a garden, an allotment, a yard, outbuildings, stables etc. However, there is no legal definition of **curtilage** so if in doubt please seek legal advice.

There are also separate permissions for **Listed Buildings** and outdoor advertisements.

These are dealt with later in the guide.

Other types of planning permission

This guide has been produced to help you to respond specifically to planning applications for development proposals. However, certain proposals will require additional or separate consents outside of the planning regime.

Special planning rules also apply in National Parks and the Broads, National Landscapes, conservation areas, internationally important wildlife conservation sites – Special Areas of Conservation, Special Protection Areas and Ramsar sites, sites designated as nationally important for wildlife or geology, such as National Nature Reserves and Sites of Special Scientific Interest and **Green Belts**.

Some of these special rules and circumstances that may require additional or separate consents are set out in detail over the next few pages.



It is always best to contact your local planning authority or the **LPA** if you are unsure if planning permission is required and what type of development has been proposed. They will be able to provide advice and act if necessary. In most districts and urban areas, the **LPA** will be a part of your local council. In National Parks, however, the **LPA** will be the Park Authority.





Nationally Significant Infrastructure Projects

Unlike most planning applications, applications for certain kinds of major infrastructure project are submitted to and examined by a part of the Government called the Planning Inspectorate or **PINs**, rather than by the local authority, and then decided by the relevant Secretary of State. These types of projects are known as Nationally Significant Infrastructure Projects (or NSIPs) and fall into one of six categories:

- Energy
- Transport
- Water
- Wastewater
- Waste
- Business And Commercial

Examples of NSIPs include power stations, railways and major roads, reservoirs, airports and offshore wind farms.

The type of permission required for an NSIP is a Development Consent Order, or DCO. The process for determining a DCO is usually longer than other planning applications. This is sometimes due to the scale and complexity of the projects and the potential impact they will have on the surrounding area and local community.

Once the Planning Inspectorate is notified by a potential applicant of a proposed NSIP it will be added to the public register of applications.

There is a mandatory pre-application consultation process for all NSIP projects. From the submission date, a decision should be made within 16 months.

Listed Building consent

Listed Buildings benefit from additional planning restrictions under the Planning (Listed Buildings and Conservation Areas) Act (1990). They are designated by the Secretary of State for Culture, Media and Sport for their special architectural or historic interest.

Proposals to alter, extend or demolish a **Listed Building** will likely require **Listed Building** consent as well as planning permission.

Conservation Area consent

Conservation Areas are designated areas of special architectural or historic interest. If a development site is located within a Conservation Area the applicant may need to apply for a demolition in a Conservation Area consent to carry out works involving demolition, as well as planning permission. Works to trees, such as coppicing or pruning, in a Conservation Area also require separate consent and may be prohibited.

You can find out whether a site sits within a Conservation Area by looking at the LPA's adopted policies map and Conservation Area guidance.

For further information about TPOs please refer to the government's Planning Practice Guidance or PPG (Tree Preservation Orders and trees in conservation areas - GOV.UK (www.gov.uk))

Tree Preservation Orders

Tree Preservation Orders or **TPOs** can be used to protect individual trees or a group of trees from damage or felling without the **LPA's** consent. Your **LPA** should be able to provide details of trees covered by preservation orders in your area.





Hedgerow Regulations

Hedgerows that are deemed ecologically or historically valuable have some protection under Hedgerows Regulations (1997) and The Management of Hedgerows (England) Regulations 2024. Anyone intending to remove a rural hedge must notify the **LPA**, which has 42 days to decide whether to issue a hedgerow retention notice to stop the removal. Local authorities do not have to publicise plans for hedgerow removal but must keep a public register.

publishing.service.gov.uk



For information relating to requirements for advertising consent please refer to the Government Guide.



Footpath Orders and Public Rights of Way (PROW)

Highway authorities in England legally must keep a record of public rights of way (PROW) and ensure they are open for public use. The legal record is known as the 'definitive map and statement'.

A public right of way will be affected by development where it:

- Crosses or is adjacent to an application site
- Is to be used for site access (whether temporary or permanent)
- Will be crossed by an access road (whether temporary or permanent)

The effect of a development on a right of way is a material planning consideration. Material planning considerations are dealt with in more detail in Section 5 – How are planning applications decided?

Planning permission does not grant the right to close, alter or build over a right of way in any way, even temporarily, and this includes, for example, a change in the surface, width or location.

Express permission is required for any change to the surface of a public right of way. Other works can only be undertaken following grant of a Temporary Traffic Regulation Order or a Diversion or stopping up order under the Town and Country Planning Act 1990.

If you have concerns pertaining to works or an obstruction to a public right of way, contact your local **Highways Authority** who will be able to provide advice.

Section Summary

There are regulations covering the interiors and environmental performance of buildings, pollution control and the protection of ancient monuments. These are not covered by the planning system.

If you are in any doubt about a particular case, ask your **LPA** what controls apply and under what legislation.

As set out above, the guide deals primarily with responding to planning applications for the development of land or a building(s).



www.ramblers.org.uk

For more info please go to: Understanding public rights of way - Ramblers.



How is planning permission granted?



Permitted Development

For some developments, **permitted development rights** apply but the planning authority needs to approve the details of the proposal before development starts. In these cases, the authority has a chance to get a development repositioned or the external appearance changed but cannot question the principle of whether the development should be allowed.

A range of developments fall into this category, including outbuildings related to farming and forestry, small-scale solar photo voltaic panels (PV panels), and telecommunications masts under 15 metres in height; as well as changes of use of farm buildings and offices to housing.

Under the Town and Country Planning (**General Permitted Development**) Order (1995), local planning authorities are allowed to put up structures like bus shelters and information kiosks as permitted development. Beyond this, they often determine their own planning applications, either for development that they want to conduct themselves, or where they are making **LPA** land available for development by others.

County councils can grant themselves planning permission for their own developments, such as major new roads and school buildings. **County councils** also decide all planning applications in connection with minerals or waste, deemed 'county matters'.

Planning applications to the local authority

For most types of planning application, applicants will submit plans for development to the **LPA**. If the area you live in is governed by a two-tier local authority system, consisting of a county and district council, you'll find most decisions are taken by your local district or borough council. However, where a unitary authority is in place, it will act as the **LPA**.

In rare circumstances, for example if the application concerns development on or around **Green Belt**, outside of town centres, on playing fields, in **World Heritage sites** or in flood risk areas, and the **LPA** intends to approve it, they will, in some circumstances, have to inform the Secretary of State with responsibility for planning. The Secretary of State may then 'call in' the application and make a decision on it following a public inquiry, taking the matter out of the **LPA's** hands. This call-in right applies to any planning application but is generally used only for major development or in particularly controversial cases.

Development Consent Orders or DCOs

Applications for Nationally Significant Infrastructure Projects (NSIPs) or Development Consent Orders (DCOs) are submitted to the Planning Inspectorate or **PINs**. **PINs** oversee the Examination and consultation process for NSIPs and make a recommendation for approval or refusal based on the evidence provided. However, the ultimate decision to grant an application for a **DCO** sits with the relevant Secretary of State.





What are the different types of planning applications?

Different types of planning applications you might come across include:

Full or Detailed Planning Permission

This is the most common type of application and contains all the detail for a proposal. If granted permission, the applicant can proceed with the development, subject to any imposed conditions and **legal agreement**.

Outline Planning Permission

This application sets out the general principles for the development of a site or area. It is granted with conditions requiring the submission of a further detailed application known as “**reserved matters**.”

Section 96A Amendment Application

Sometimes called a non-material amendment application, a S96A can be used to amend an existing planning consent as long as the changes are deemed non-material. Whether they constitute non-material changes is up to the local planning authority to decide.

03 | 04 | 05 | 06 | 07 | 08 | 09 | 10 | 11 | 12 | 13

Section 73 Application or Variation of Condition Application

A variation application or S73 seeks to vary an existing planning consent by amending a planning condition attached to the permission. This type of application effectively replaces the previous planning consent and constitutes a major change to the approved application.

Submission of Detail for Planning Condition(s) Application

Most major applications will be approved subject to planning conditions. Submission of detailed applications effectively agree or ‘discharge’ planning conditions, to implement the full permission.

Hybrid Application

A hybrid application consists of a part detailed and part outline application. They are usually pursued for major, multi-phased developments where some of the detail is not known at application stage.

Development Consent Orders (DCO)

DCO applications are only for Nationally Significant Infrastructure Projects (NSIPs) and are submitted to and examined by the Planning Inspectorate.



How are planning applications decided?

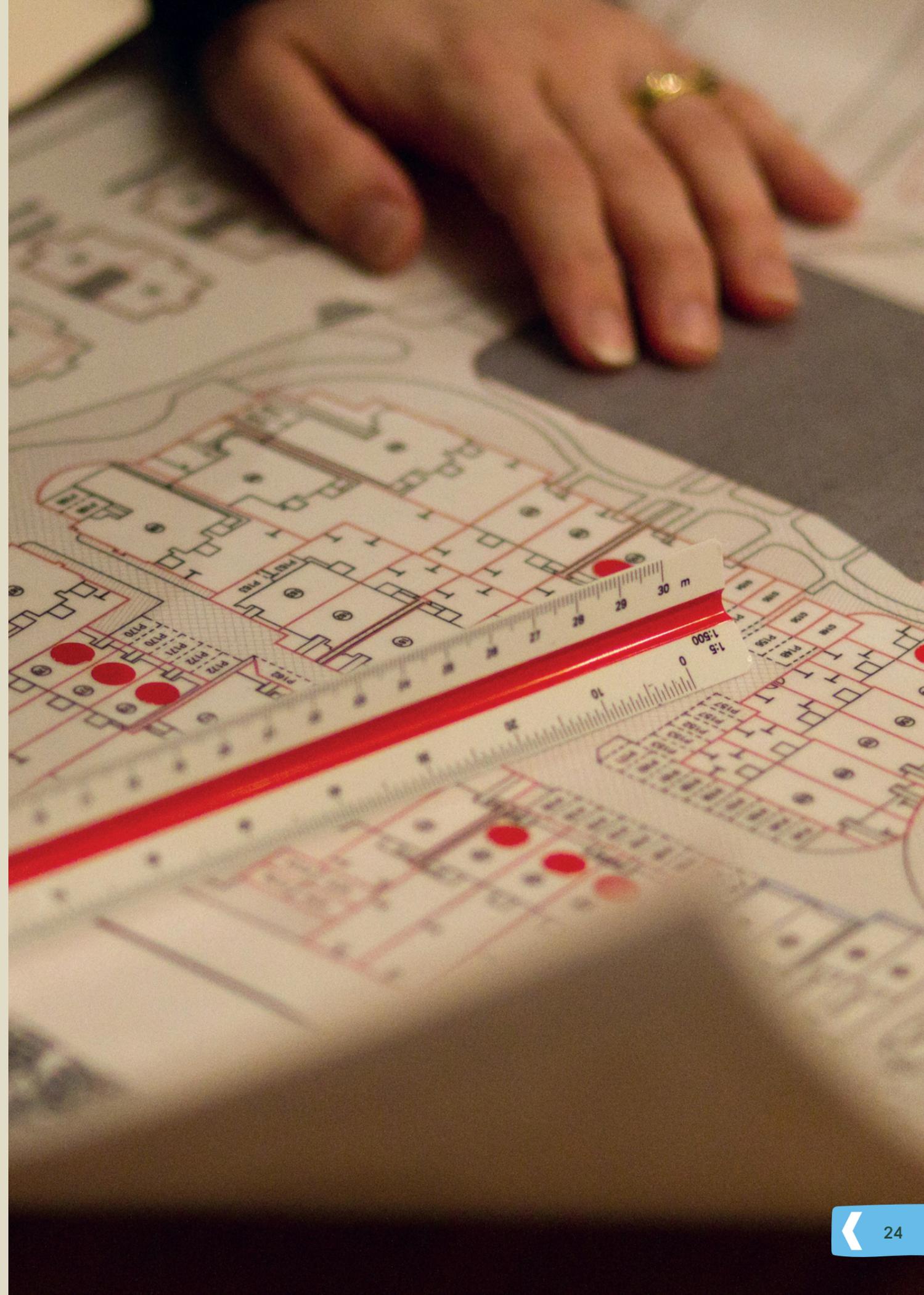
The development plan

Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan usually consists of a local plan, setting out agreed planning policies for the local area. In City Region areas with an elected Mayor and Combined Authority Structure there may also be a spatial strategy or strategic development plan, and at the neighbourhood level there may be a Neighbourhood Plan, which when it is finalised or 'made' forms part of the development plan. Development plans have a mix of written general policy relating to vision, strategic aims and objectives, thematic development management policy, and site-specific policy, all with explanatory text. A delivery and performance framework sets out how the plan is to be monitored. Illustrative maps, usually online, show allocated sites and designations, such as **Green Belt**, ecologically important areas and Conservation Areas. Hard copies of the development plan are available for inspection at the local authority planning office.

In the first instance, you should look at the Local Plan Policies Map to understand whether there are any special designations on the application site, such as a **Listed Building**, Nature Conservation Area or Tree Preservation Order. You can find the policies map online or ask the **LPA** for a printed copy.

If there are designations, you should refer to relevant local planning policy included in the adopted Development Plan.





Material Considerations

Material considerations are specific issues relevant to planning decisions that are used to help case officers or committee members reach a decision on a planning application.

Case law gives local planning authorities a great deal of leeway to decide what considerations are relevant, and how much weight should be given to them. However, in general material considerations include national planning policies, supplementary planning guidance and key technical issues relating to the development site. In some cases, a development may require an Environmental Impact Assessment, which carries significant weight. More detail is provided below on each of these topics.

Not Material Considerations

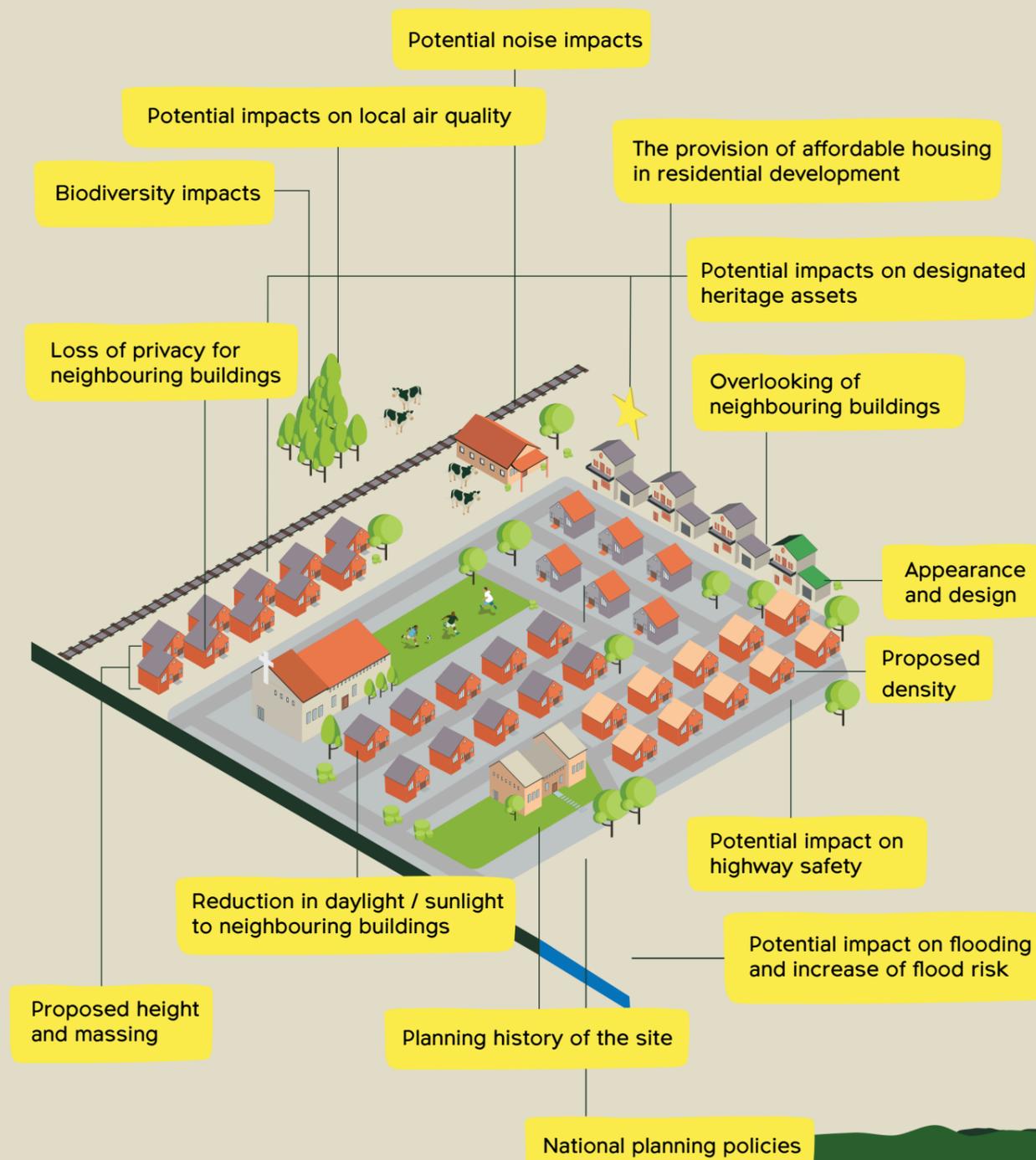
In England, nobody has a right to view. Therefore, you are unable to object to a development if it blocks or partially obscures a view as this does not constitute a material consideration. Other things that do not constitute a material consideration include construction impacts, a loss of property value or matters dealt with by Building Regulations.

The person determining the planning application will need to refer to relevant case law to decide whether something is a material consideration or not. But the decision maker is able to decide which considerations should be given the most weight in the balance of factors. If in doubt, contact the case officer to discuss your concern and understand whether it is likely to be a material issue.

Other Material Considerations

Even if there are no designations on the site, there will be 'material' or relevant considerations that should help you to understand whether you should respond to the application or not.

There is no statutory definition of a material consideration, but they can include the following:





National planning policies

National planning policies, such as the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG), and National Policy Statements (NPSs) are material considerations, but do not form part of the Development Plan. NSIP applications should normally be decided in line with the relevant NPS. In future, governments may use new legal powers to create 'national development management policies' (NDMPs). At the time of writing such policies are expected to cover areas such as **Green Belt**, heritage protection and housing types in large developments. Where such policies are introduced, they will override development plan policies where there is a conflict and are likely to supersede local policies covering the same stated theme. In many cases, there is likely to be relevant national planning policy you can use to understand if an application is likely to be permitted.

Supplementary plans

Supplementary plans, also known as 'supplementary planning documents' or 'supplementary planning guidance' can give further context and detail to development plan policies. These documents can include design guides, or address development in a certain neighbourhood or specific site.

These documents are not part of the statutory development plan. Older SPG and SPDs don't have the same weight when local planning authorities are considering planning applications but newer supplementary plans will. But they can be a material consideration. They are likely to be particularly useful if the authority consulted the public during their preparation and they have been subject to a council resolution by the LPA adopting them. Public consultation is required before any new supplementary planning guidance can be considered to carry weight in decisions on planning applications.

Who makes the decision?

Planning permission can either be granted through **delegated powers**, which means a planner called a case officer working at the local planning authority decides, or by a **Planning Committee**, who are made up of locally elected councillors. Householder and minor applications are generally determined under **delegated powers**, with major or locally controversial applications considered by the case officer in a report and a recommendation made to the **Planning Committees** to decide. Occasionally planning applications may be 'called in' by the Mayor of London (if the application is within Greater London) or the Secretary of State (in any part of the country including Greater London) for their own decision, through special powers granted to them.

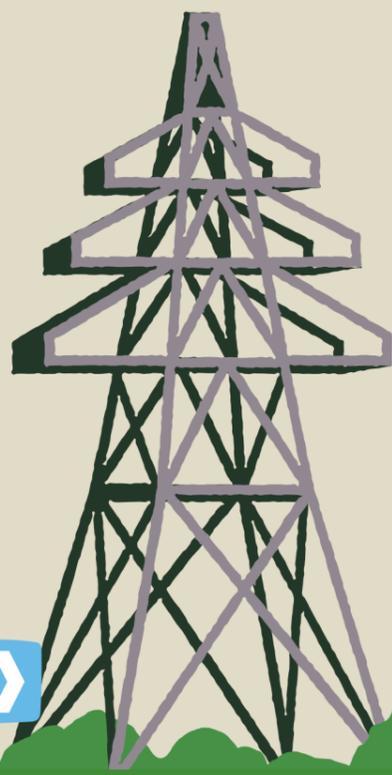


Further information can be found at: Environmental Impact Assessment - GOV.UK

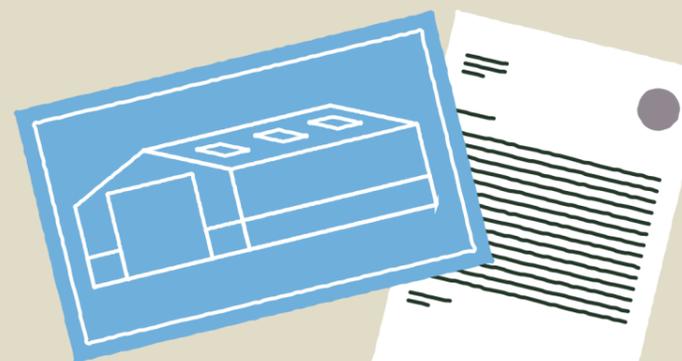
Environmental Impact Assessment or EIA Development

Development likely to have a significant impact on the environment may require an environmental impact assessment known as **EIA** development. Certain types of development require an impact assessment automatically. Others may need one if their environmental effects could be significant. Applicants will initially undergo a screening to check whether this is the case. A screening opinion is submitted to the local authority and after a three-week period a decision or a 'screening opinion' will be issued.

If the screening opinion confirms that the proposed development is likely to give rise to significant effects, then an Environmental Statement is required with the submission of a planning application. This should explain how measures taken in the development do the least possible harm to the environment and what that harm will be. Environmental statements should look at alternatives to the development proposal. The public has the right to scrutinise and comment on the environmental statement once it has been submitted.



How can you find out about planning applications in your area?



BY THE WAY

LPAs are required by law to keep a public register of all planning applications, which you should be able to access easily online.

A hard copy of planning applications, along with any maps, plans and supporting documents, is usually kept at the LPA's central office. All applications, plans and supporting documents must also be available online.

If you struggle to find the application you are looking for, contact your local planning department's duty officer. The preferred method of contact is likely to be via email, details of which you will be able to find on the application page.

TAKE A LOOK AT

PAGE 55 Part 2 - Step 5 Put your comments in writing.

The planning application process

Pre-application Consultation

Applicants proposing major developments are encouraged to engage with people in the local area before they submit a formal planning application. This is to help them to understand any issues that may exist in the area and how the development could help address this. It also helps to reduce the number of objections to the planning application as local people can comment on the plans beforehand.

It is not a statutory requirement to hold a consultation before submitting a planning application in most cases, however, local planning authorities will set out, in a **Statement of Community Involvement**, how the local community will be involved in planning applications.

It is mandatory to conduct pre-application consultation with the local community for Nationally Significant Infrastructure Projects (NSIPs).

If pre-application engagement is meaningful then it is likely a proposed development will change prior to the submission of a formal planning application. This could resolve issues identified at the pre-application stage and/or raise new issues that need to be discussed.



Usually, applicants hold events in local community centres where people are invited to speak to the team, often including the architect and other consultants. Applicants will also usually have a website or email address where members of the public can provide comments on the emerging scheme.

It is advisable to engage with applicants prior to the formal submission of a planning application as this is the stage where changes can still be made if the applicant is willing. Once a planning application is submitted it is generally not possible for any changes to be made to the submitted scheme.

 www.gov.uk

For further information on the pre-application process please refer to the Government's Planning Practice Guide - before submitting an application - GOV.UK



National validation requirements are set in the Government's Planning Practice Guidance: Making an Application - GOV.UK

Post application submission

Validation

It is critical that all applications submitted meet the information requirements set by the Government and Council. These are called **validation requirements**. Applicants must include all necessary information when applying for permission. If any required details are missing it cannot be validated.

National **validation requirements** are set in the Government's Planning Practice Guidance and include:

- A completed planning application form
- A site location plan that shows the application site in relation to the surrounding area based on an up-to-date map. The plan must include a red line boundary setting out the site area. A blue line should be drawn around any other land owned by the applicant close to or adjoining the application site. The scale should typically be 1:1250 or 1:2500. (for all applications)
- Other plans and drawings. All plans and drawings should be drawn to a suitable scale and show the scale bar and the direction for north (for all applications)
- Ownership Certificate and Agricultural Land Declaration (for all applications)
- Design and Access Statement (for major applications)
- Fire Statement (for some applications)

Local planning authorities will also set locally specific **validation requirements**. A list will be provided on the Council's website. Consult your **LPA** if you are unsure about the type of application or the specific requirements.





Statutory Consultation Period

Local planning authorities are bound by law to publicise new validated planning applications and other related consents by putting up a 'site notice' for a period of at least 21 days. This is to ensure neighbours and other interested parties are aware of the proposals. The notice must be visible and located on or near to the application site.

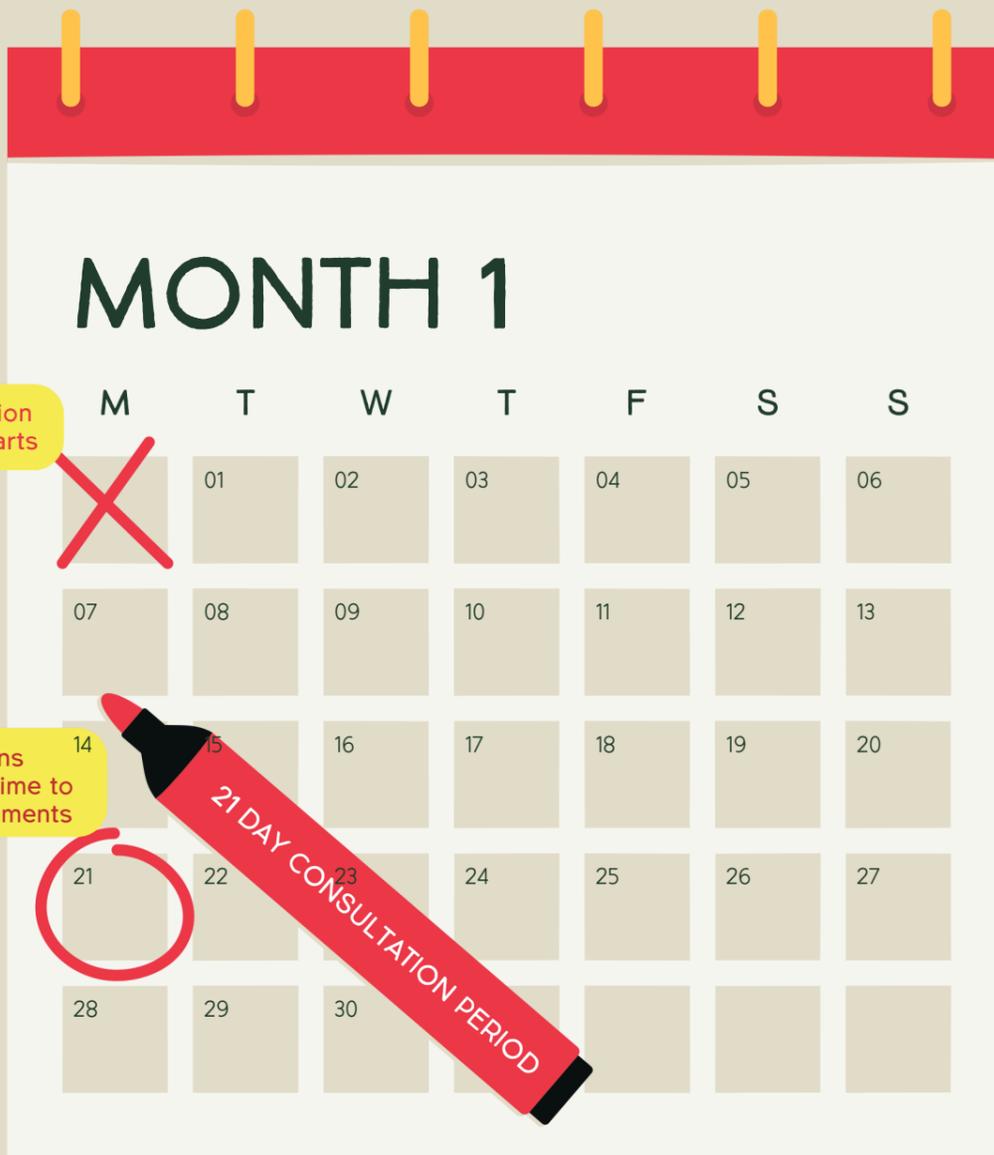
Alongside inviting neighbours and the public to review the application, local planning authorities must consult a range of different stakeholders known as **Statutory Consultees**.

Members of the public only have a few weeks to review and comment on a planning application. This is known as the **statutory consultation period**, which lasts for 21 days from the date the site notice has been put up and/or published. It is important to check this date and not the date the application was submitted as they can be different.

Occasionally the **statutory consultation period** will be extended if neighbours have not been properly notified, or the period covers a public holiday. Always ask your **LPA** if you are unsure when the consultation period ends.



The full list of Statutory Consultees is set out in the Government's Planning Practice Guidance (Consultation and pre-decision matters - GOV.UK)



CONSULTATION PERIOD - 21 DAYS

Local planning authorities are bound by law to publicise new validated planning applications and other related consents by putting up a 'site notice' for a period of at least 21 days.





Statutory Determination Period & the Decision

Once an application has been accepted as 'valid', the countdown to a decision begins. This is known as the **statutory determination period**. For householders and minor development applications a decision should be made within 8 weeks of validation. Major applications take a bit longer to decide, however the Government expects decisions to be made within 13 weeks, unless the development is likely to have considerable environmental impacts. Occasionally, local planning authorities may agree an extension of time with the applicant if they are unable to decide on an application within the **statutory determination period**.

Applications determined by planning committee may take longer than the **statutory determination period** as meetings are only held once or twice a month and members can only determine a small number of applications per meeting. If an application is to be heard by a Planning Committee, it will be published on the **LPA's** Committee calendar a week before the meeting. Check with the Democratic Services team in the local planning authority or ask the case officer if you are unsure whether an application will be heard by planning committee.

MONTH 1

M	T	W	T	F	S	S
X	X	X	X	X	X	X
X	X	X	X	X	X	X
X	X	X	X	X	X	X

MONTH 2

M	T	W	T	F	S	S

MONTH 3

M	T	W	T	F	S	S

MONTH 4

M	T	W	T	F	S	S

DAY 21

Last day to provide comments.

DECISION DUE FOR HOUSEHOLDER AND MINOR DEVELOPMENT APPLICATIONS. 8 WEEK PERIOD.

DECISION DUE FOR MAJOR APPLICATIONS. 13 WEEK PERIOD.





What happens after the decision is made?

All decisions on applications will be published on the local planning authority's website on the application page. This is known as the **decision notice**. An application will either be granted permission or refused. The case officer will normally provide reasons for a decision in their report, known as the 'Officers Report.' If the planning committee decides not to accept the officer's recommendation, they may need to provide reasons separately.

Applications granted permission are often subject to additional requirements known as 'planning conditions.' Applicants of major developments may also enter into a **legal agreement** with the local planning authority to agree and secure financial contributions and/or additional public benefits to make the development acceptable in planning terms. This is sometimes known as a 'Section 106' agreement. The **legal agreement** will be published on the website with the decision when it has been signed. This can sometimes be several months after a recommendation for approval has been made.



If an application is refused, the applicant has a right to appeal the decision. Applicants have a right to appeal for up to six months from the date the application was refused, which is shown on the **decision notice**.

Members of the public do not have a right of appeal against a decision to grant an application. The only route by which they can challenge the grant of planning permission is through the Courts, by what is called an 'application for judicial review'. However, the grounds on which such an application can be made are limited to matters of law, and do not include disagreements over matters of fact, or whether a development would have unacceptable effects.

For further information about S106 and planning conditions visit the Planning Practice Guidance pages Planning Obligations

www.gov.uk/guidance  Planning obligations

www.gov.uk/guidance  Use of planning conditions

 www.cpre.org.uk

'How to Challenge Bad Development in Court' Guide here: Judicial review and planning decisions





How to get involved
using CPRE's key steps.



CPRE's key steps to effective involvement in planning applications

Now you have understood how the planning system works and the process through which most planning applications are determined you are equipped to respond to applications in your local area.

We have set out some simple steps to follow below, which will help you provide a robust and well-evidenced response. Some of the steps may not be relevant to your application, for example, if the application is to be determined via **delegated powers** you will not need to speak to the **planning committee**.

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Engage in the pre-application consultation process

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Review and understand the decision



Step 1

Engage in the pre-application consultation process

As set out in Part 1, it is mandatory to undertake pre-application consultation for certain projects including nationally significant infrastructure projects (**NSIPs**) and some major developments. For **NSIPs**, applicants must produce a **Statement of Community Consultation** or **SCC** that demonstrates how, when and what engagement took place with the local community before an application has been submitted.

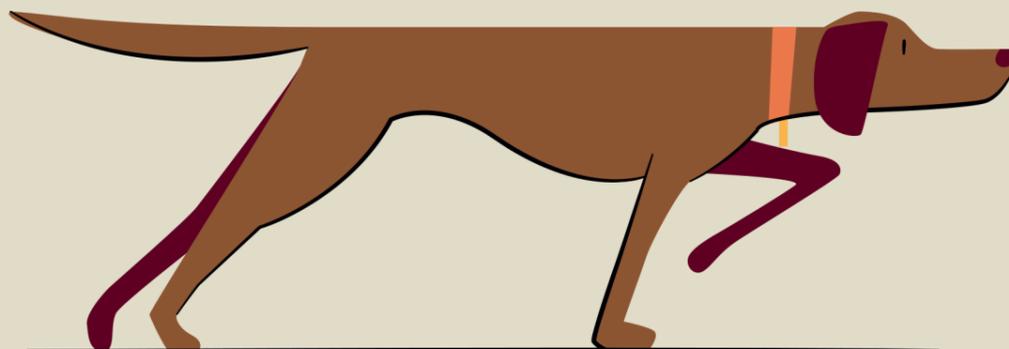
Even where there are no mandatory requirements, it is recommended that developers engage with the local community before submitting a formal application to understand key issues, and gain support for their proposal.

Pre-application consultations can take different forms, for example, there may be a dedicated website set up for the proposal, with online tools to submit feedback or the developer may hold an in-person event or 'drop-in' session in a local community building. It is worthwhile checking local notice boards and the Council website for potential planned events. You could also speak to your local CPRE group or other local stakeholders, who are likely to be engaged with new proposals.

It is always worthwhile submitting your views on a proposed development before a planning application is submitted as changes can still be made at this stage. Once a planning application has been submitted, it is very unlikely the proposal will change.

Checklist for pre-application engagement

- Check with your local CPRE, local businesses, the council and other local groups whether there are any planned pre-application engagement events.
- Sign-up for online webinars, in-person events and updates on the proposed plans (if available).
- Submit your views on the proposed plans, with suggested changes if relevant to the developer. If you suggest changes, rather than objecting outright, your thoughts may be more likely to be considered.
- Join any local design review panels, or resident's forums to provide joint feedback on the plans (if set up).





NEW PLANNING APPLICATIONS

TOP TIPS

For finding out about new planning applications in your area:

Check the planning inspectorate website for a list of Nationally Significant Infrastructure Projects proposed in England (there is usually a weekly list of validated applications.)

You can sign up to the Inspectorate's email alert service to receive updates on the progress of an application.

Further information can be found here: Welcome to Find a National Infrastructure Project (planninginspectorate.gov.uk)

Sign up for email alerts from your local authority.

Search the Council's planning portal page on the website for recently submitted applications.

Ask your local planning authority to let you know about any application that is likely to be of interest to you.

Look out for notices pinned to gates, lampposts and walls on or near the boundary of sites where an application for planning permission has been made.

Scan local newspapers for information about significant developments proposed.

Stay connected with your local CPRE district or county group, who usually get weekly lists of planning applications.

Contact your parish or town council, if you have one, who are legally entitled to receive copies of all planning applications in their area.





Step 2 Review and assess the planning application

Have you heard about a planning application that has been submitted in your area and want to find out more about it?

The first step is to review the validated application on your local planning authority's website or at their offices. You can do this by using the specific planning reference or the site address.

The planning department will have uploaded the application documents to review, including the application form. For major applications there may be a lot of documentation to look through! However, it is important to ensure that all the validation criteria have been met.

Checklist for reviewing an application

- Make sure that the applicant has met all the validation requirements by cross-checking the documents submitted. This includes making sure plans and drawings are drawn to scale and have a scale bar.
- Look through all the documents carefully. There may be relevant information hidden within a supporting report.
- Satisfy yourself that the description of proposed development accurately reflects what is being proposed in the application. This will be included on the application form. There have been a number of recent high profile cases where the development built has considerably differed from that shown in the application and/or supporting plans, so careful scrutiny here can often be particularly valuable.
- Remember that case officers are there to help. Ask for advice if you are unsure about how to interpret an application, or what the wider effects of the proposal might be.





Step 3

Understand the planning context

As set out in Part One of this guide, planning applications are determined based on the following:

The adopted development plan or Local Plan

Material Considerations including national planning policy

Planning precedent such as case law or relevant planning history

Checklist for planning context

- Check the policies map – this should be online and will set out any relevant planning designations on the site. For example, if the site is designated as a Site of Special Scientific Interest (SSSI) then it is likely to be inappropriate for built development.
- Check whether the site has been allocated for a particular type of development. For example, if the LPA has allocated a site for housing, it will be difficult to object to a proposal for housing.
- Review the description of development. Is the proposal in line with adopted planning policies?
- Finding out about past planning applications for a particular site can give you lots of relevant information. For example, if you are supporting a development turned down in the past because there was not enough public transport, you could focus on suggesting ideas to solve this problem.
- You should also look at recent planning applications in the wider area to get a picture of any development trends, and how they could affect the economic, social, and natural environment of the area.



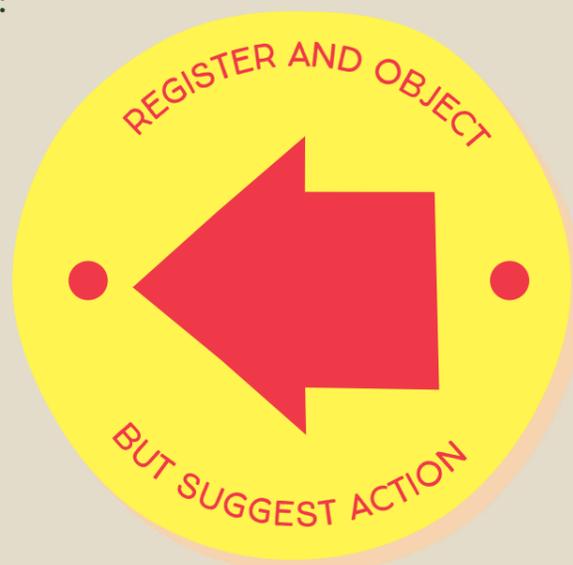


Step 4

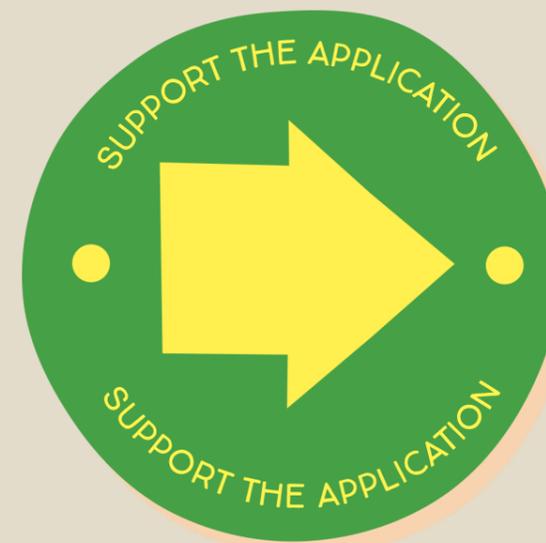
Choose whether to respond

Now it is time to decide what action you are going to take on the planning application. You could choose to:

Register an objection to the application due to harms arising, but suggest action that could be taken to address your objection, such as amending the proposal to avoid harms or attaching planning conditions or a planning obligation to mitigate or compensate for the harm identified.



Request that the application be refused permission because of its negative impacts, that cannot be mitigated by planning conditions.



Support the application because it will deliver public benefits for the local area, either now or in the long run.



Support the application but ask for aspects of the proposed development to be reconsidered and changed to yield better outcomes for the local area.



Take no action since the proposal's overall effect would be neutral or of little relevance to your local place.





Step 5

Put your comments in writing

When you are completely clear on your position, and you would like to formally respond, the next step is to make your comments in writing to the planning authority before the appropriate deadline. You must do this if you want your comments on a planning application to be carefully considered.

The easiest way to respond is to submit your comments direct via the Council's website. Alternatively, you could email the case officer or planning department or send a letter by post.

In order to help you craft your response we have drafted an example representation in support of a planning application. This is a fictional development and not based on any real world scheme, but is meant to help guide your response to a planning application in your area.

TOP TIPS

For writing your email or letter



CONSIDER THE PUBLIC INTEREST

Explain how the development affects the local community as a whole. Avoid focusing on issues such as land ownership, the effects of the proposal on the value of neighbouring property, or the personal circumstances of the applicant.



GET COMMENTS IN ON TIME

You'll generally have two weeks to respond to a planning application. If possible, get your comments in before the deadline. If this is impossible, send a short letter summarising your views within the deadline and follow it up later with more detailed comments. Late comments may be considered, particularly if your views don't cause any delay in the decision, but you cannot rely on this.



CONSIDER APPROACHING THE APPLICANT

You could approach the applicant to let him or her know your views or to persuade them to improve the application, either before or after you write your letter/email



REFER TO THE DEVELOPMENT PLAN

List development plan policies that support your case and explain why. Recognise and respond to development plan policies that conflict with your views. Explain what other planning issues you believe should affect the decision.



BE CLEAR AND COURTEOUS, AVOID PERSONAL ISSUES AND CONCENTRATE ON THE FACTS OF THE CASE

Separate out each point you want to make. Explain what you want to happen and, where appropriate, suggest conditions you want to see put on the application to improve the sustainability of the proposal. Try to be concise.



TO: The case officer

PA/21/333/567 - Land at Little Horse Lane, Cambridgeshire, CB9 2LX

PA/21/333/567 - Land at Little Horse Lane, Cambridgeshire, CB9 2LX
Proposed erection of 3 blocks to accommodate 15 social rented homes

I am writing to you in support of the proposal above.

This is due to the need for more genuinely affordable homes in the area and the high-quality nature of the proposed scheme including a new children's play area and public open space, which will benefit the local area.

Local Plan policy H2 states that proposals for new affordable homes should be strongly supported. In addition, policy H3 supports new family homes. The application proposes 15 new 3 and 4 bedroom homes, suitable for families, available for rent. The homes will be owned in perpetuity by the Little Horse Community Land Trust and rented at affordable rates. This is strongly supported by local planning policy and should be afforded significant weight. Furthermore, the adopted Little Horse Neighbourhood Plan policy Ho4 recognises the positive contribution that community-led housing developments make towards meeting housing need across the area and support community-led development.

The Council have produced a Public Realm and Play Space Supplementary Planning Document that provides guidance to applicants looking to deliver new open and/or play spaces in the area. The guide shows strong support for applications that provide safe access to good quality, well-designed, secure and stimulating play space. The proposal includes play space for a range of ages, including an enclosed area for younger children with seating for parents and/or guardians. This is in line with the Council's guidance and will provide a net benefit to the local community as the play space will be available for children within the village as well.

I am aware an application for 4 bungalows for older people was permitted recently in the neighbouring village. This was because the application met an assessed local housing need. In my view, there is a distinct need for larger, affordable homes for families in the area and as such, this should be given planning weight.

I hope my comments will be taken into account in the forthcoming decision. Should the application be decided at planning committee, I would be more than happy to speak in support of the application. Therefore, please keep me informed of any decision made.

Regards,
Joe Bloggs

Start your response with the planning application reference, address and proposed description of development.

Clearly state whether you support or object to the application.

Then state the reason(s) why you support or object to the application. This should relate to material considerations e.g. I support the application due to housing need or I object to the application due to the negative impact on designated heritage assets.

Then state relevant adopted planning policies to back up your argument. These should be policies that relate directly to the application and material considerations. E.G. If the application is for a new wind turbine, energy, climate change and landscape policies will be relevant.

If there is an adopted neighbourhood plan in the area you should also refer to policies in the plan.

Next, you can refer to any other relevant planning guidance that might help make your case. For example, the council may have adopted a local design code or supplementary planning document with specific guidance applicants should follow.

You should also refer to any other relevant applications in the local area that may set a planning precedent.

If you would like to speak in support or objection to an application at planning committee you should clearly state this in your response.

Finally, request to be kept informed of progress on the application.





Step 6

Gather support

Telling the local planning authority your views is just the start of the process. You will need as much support as possible, from within the local planning authority and the community, to make sure that the authority's decision takes account of your views. The more people who agree with you, and are willing to say so, the stronger your case will be.



Influencing Decision-Makers – Top Tips

Speak to the case officer

A few days after you submit your views to the planning department, phone the case officer at the planning authority to make sure your comments have been received and to ask how they are likely to be treated. You might want to arrange a meeting with the officer involved to explain your case. Face-to-face, you may be able to bolster arguments that the authority thinks are weak or argue against different viewpoints.

If the application is going to be determined by **planning committee** members, the case officer will write a committee report to appraise the councillors of issues and a recommendation of whether to grant or refuse planning permission. If you submit comments by the consultation deadline, the officer may include a summary of your comments in their report.

You are legally entitled to look at the planning **officer's report** to the councillors' **planning committee** at least five days before they meet to make a decision. It is important to take this opportunity. You will be able to see what information councillors are being given, and what decision the planning officer recommends they make. It will help you know how to brief councillors if you get a chance to speak at the meeting where a decision will be made and give you time to alert the local media if necessary.

Sometimes a planning decision is delegated by the councillors to the chief planning officer. This will be done in line with a published scheme of delegation for planning decisions, at present this varies by local authority but in future the scheme may be set nationally. Council officers will generally take decisions on most minor applications. Try to find out early on who will decide on your application, and when, as this will affect what other action you need to take.

Approach your local councillors

It is a good idea to copy your objection letter to local area councillors and to discuss the application with them prior to the decision being taken to make sure your views are heard. Look at your local planning authority's website for their contact details and email them or ask the chief executive's office or administration department for their names and contact details. It is especially important to contact the councillors representing the ward affected by the planning application.

Suggest a site visit by councillors if you think an issue can only be fully appreciated on the ground.

Councillors who are not on a planning committee are free to express any view on a planning application. Councillors who do sit on a committee deciding planning applications, however, need to avoid 'predetermination' or the impression of having made up their mind on a planning application before evaluating all the evidence. They can however express views on specific issues raised by an application.

Whether you are supporting or opposing a planning application, give councillors the reasons for this. You might also want to suggest conditions that should be attached to any planning permission granted.

Your goal is not only to convince the councillors that you have a case in planning terms, but to demonstrate the support your case has in the local community. Planning officers are interested in the planning arguments, but councillors will often give weight to wider views. Planning is not a science, and councillors may judge the issues differently from officers.

Liaise and coordinate your efforts with groups like the parish council, local organisations (CPRE group and residents' associations, for example), local businesses, your MP, community leaders, and organisations the planning authority might consult (for example, the Environment Agency or Natural England). A petition signed by locals can also be helpful, although lots of individually signed letters tend to carry much more weight.

Approach planning committee members

It makes sense to approach the councillors who sit on the **planning committee** and take the decision. Your ward councillor may be permitted to attend and speak on behalf of local people at a meeting you organise, even if not on the committee. Pay special attention to the views of the councillor who chairs the committee and avoid party politics. Councillors are required to make planning decisions on grounds relevant to planning, not on party lines. Note that these councillors cannot say which way they will vote before a committee meeting.





Step 7

Register to speak at planning committee (if relevant)

For applications heard at committee follow step 7. If the application is proposed to be determined under **delegated powers**, skip step 7.

Speaking at the committee meeting where the application you are interested in is being considered could make all the difference to your chance of success.

Councillors tend to respond to strong local feeling. Some councils give the public the chance to speak for a few minutes at meetings to express their views.

How to register to speak

Contact your local planning authority to ask if it allows interested members of the public to speak at committee meetings. The procedures on whether and when people are allowed to speak vary by local planning authority.

If you are allowed to speak, confirm the date and location of the meeting and how long you will be allowed to speak for. Often promoters are given three minutes and objectors are given three minutes, and therefore comments have to be concise. It is a good idea to provide a written copy of what you are going to say to the committee.

Give early notice that you want to speak. Usually, you are required to register at least a week in advance of the meeting. You can do so by contacting the Democratic Services Department of the Council and registering your name and whether you support or object to the application. Find out who else is speaking at the meeting and make sure you put any shared views across strongly and avoid repetition. If the local planning authority will not provide this information, you can use the **officer's report** to the committee, which should identify the most significant responses to the application.

Step 8

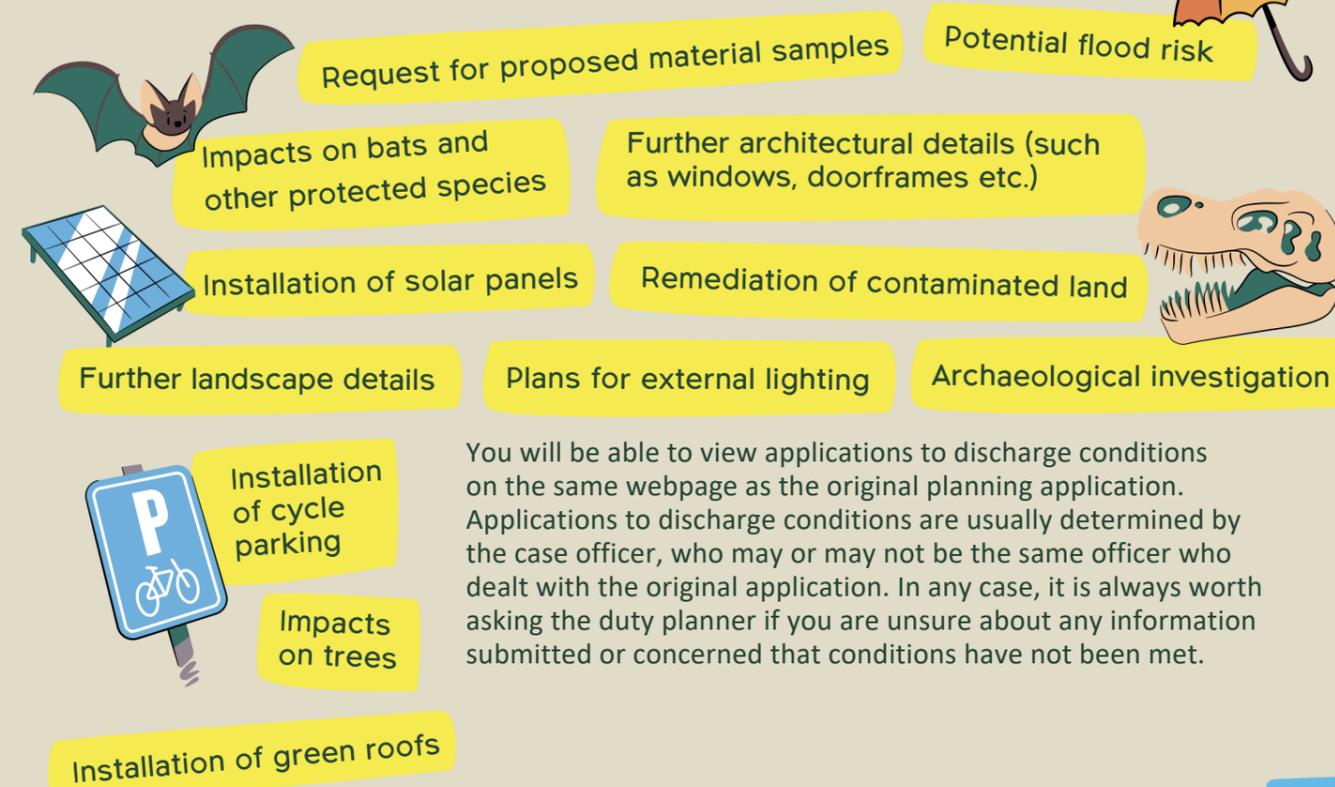
Review and understand the decision

Once a decision has been made on an application a decision notice will be published online. An application will either be granted or refused. If it has been granted there may be scope to mount a legal challenge in the courts via judicial review. CPRE has produced separate guidance on how to challenge bad developments in court. If it has been refused a developer has the right of appeal. If this right is exercised then the application is effectively determined afresh by a planning inspector appointed by the government. You are able to fully participate in this process and make the same points you made on the original planning application, but the process is more time-limited and exacting.

The application may have been granted, subject to conditions. This means that the applicant may need to submit further

information relating to the development before they can continue with any building work. There will always be a 'time limit' condition that requires the applicant to start building within a certain period. There will also be a condition related to the 'approved plans'. These are known as 'compliance' conditions and do not require formal approval. However, should the applicant fail to comply with these conditions, they would be in breach of their planning permission and enforcement action could be taken.

Other conditions do require formal approval or 'discharge'. These conditions usually require further detail to the technical information submitted at planning application stage and can be related to a wide range of topics including, but not limited to:



You will be able to view applications to discharge conditions on the same webpage as the original planning application. Applications to discharge conditions are usually determined by the case officer, who may or may not be the same officer who dealt with the original application. In any case, it is always worth asking the duty planner if you are unsure about any information submitted or concerned that conditions have not been met.



Glossary of Terms



CHANGE OF USE

Most buildings and land are classified as having a 'lawful planning use', for example, retail or residential. Planning permission is generally required if you want to change this use. Some use changes count as permitted development so don't need planning permission. For example, changing a hot food takeaway to a shop is permitted development.

COMMUNITY INFRASTRUCTURE LEVY (CIL)

Community Infrastructure Levy is a fixed amount of money that must be paid by a developer when they get planning permission. The amount paid is in proportion to the size of a proposed development and will be set out in a document published by the local planning authority called the 'charging schedule'. This money must then be used to provide necessary infrastructure at the site; for example a new public park, school or bus shelters.

COUNTY COUNCIL

The upper tier of the two or three-tier county shire local authority structure in England.

County council responsibilities include transport, schools and administering births and marriages.

CURTILAGE

An area of land around a dwelling or property.



DECISION NOTICE

A decision notice is issued to an applicant when a decision relating to a planning application has been made.

It is a formal recognition of the planning decision and sets out what works have been permitted together with details of any conditions that have applied.

DELEGATED POWERS

Each Local Authority has an adopted Scheme of Delegation. The overall power to grant planning permission is usually delegated to planning committees, but in most authorities some applications (normally the smaller or less contentious ones) can be determined by officers. 'Delegated powers' is the phrase used to describe the scheme which explains when planning officers can make these decisions.



FULL OR DETAILED PLANNING PERMISSION

A full planning application is required when making detailed proposals for developments which are not covered by a householder application or permitted development rights. This is commonly the case for new buildings of any kind and any 'commercial' project.



GREEN BELT

Green Belt is a defined area of land around a town or city which is protected from 'inappropriate' forms of development – as defined in government planning policy on Green Belts. There are Green Belts throughout the country, but not in every county. Green Belts aim to stop urban sprawl and the merging of settlements, preserve the character of historic towns and encourage development to take place within existing built-up areas. Quality or appearance of land is not a factor when deciding whether to designate it as a Green Belt.

GREENFIELD SITE

Land not previously used for development. Greenfield is usually land last used for agriculture or forestry and is generally found next to or outside existing built-up areas.



HIGHWAYS AUTHORITY

Highway authorities are responsible for producing the local transport plan and for managing existing or proposed new local roads in the area. In most places, the local highway authority is part of the county council, the metropolitan council or the unitary authority. Transport for London is the highway authority for London.



Glossary of Terms



LOCAL PLANNING AUTHORITY

The administrative body in a given local area that is responsible for producing local development plans and deciding planning applications.

LEGAL AGREEMENT / PLANNING OBLIGATIONS

A planning obligation is a legal agreement attached to a planning permission that requires the provision of certain services or infrastructure that will make a planning proposal that would otherwise be unacceptable, acceptable in the eyes of the planning system.

Local planning authorities can use section 106 agreements to require, for example, that a certain proportion of housing on a residential development is affordable. Section 106 agreements are negotiated on a case by case basis.

LISTED BUILDINGS

A listed building is a building or other structure of special architectural or historic interest included on a statutory list and assigned a grade (I, II* or II).

Listed buildings require additional planning consents to carry out works.



NATIONAL PARKS

National park authorities are responsible for the governance of national parks. They are obliged to conserve and enhance the natural environment of the park, and to

improve opportunities for public access and enjoyment. The national park authority is the local planning authority for all English national parks/landscapes.



OFFICER'S REPORT

The officer's report sets out the case officer's recommendation for a planning application. The planning committee is not bound by that recommendation, but the officer's report is important in ensuring that a decision has been properly considered taking, into account relevant legislation and policy.



PERMITTED DEVELOPMENT RIGHTS

Rights to carry out certain limited forms of development without having to make an application for planning permission. Most of these are set out in the Town and Country Planning (General Permitted Development) Order, otherwise known as the GPDO.

PLANNING COMMITTEE

A planning committee is the committee of elected ward councillors appointed by each local authority to decide whether applications for planning permission should be granted. Planning committees generally meet in public. Not all planning applications are dealt with by the planning committee: some are dealt with by officers under delegated powers.

PLANNING CONDITIONS

Planning conditions are restrictions or requirements attached to a planning permission that control how the consented development or land use is carried out.



RESERVED MATTERS

Reserved Matters are particular categories of details which can be left undecided when an outline permission is granted, but which must be approved before the development can go ahead.

Reserved Matters can include details relating to:

- Access
- Appearance
- Landscaping
- Layout
- Scale

A Reserved Matters application is submitted pursuant to an approved outline planning permission and contains the details left out of the outline planning application.



Glossary of Terms



STATUTORY CONSULTEE

A statutory consultee is a body the local planning authority must consult if a planning application could affect their interests. For example, the Highways Agency must be consulted on applications that could affect a major road, and the Environment Agency must be consulted on development that would affect a river or culvert.

STATUTORY CONSULTATION PERIOD

Every valid planning application is subject to a fixed 21 day consultation period so that the views of local people, businesses and other interested stakeholders can be sought on the development proposals.

Interested parties can submit comments within this period either online, in person or via post to the local planning authority.

STATUTORY DETERMINATION PERIOD

This is the process in which the local planning authority should determine a planning application.

The statutory determination period for validated planning applications is 8 weeks for minor planning applications, 13 weeks for unusually large or complex applications, and 16 weeks if the application is subject to an Environmental Impact Assessment (EIA).

STATEMENT OF COMMUNITY INVOLVEMENT

A statement of community involvement or SCI sets out principles of engagement, consultation techniques and details of how residents and stakeholders can get involved in the work of a local planning authority. It seeks to make it quicker, easier and more accessible to have your say in the planning process.

SUPPLEMENTARY PLANNING DOCUMENT/GUIDANCE (SPD/SPG)

Supplementary planning documents/guidance (or SPDs/SPGs) are prepared by local planning authorities.

SPDs usually provide more detail on policies in development plan documents, for example on design or local affordable housing policy. They are not a part of the adopted Local Plan, but can be a material consideration when deciding on a planning application. SPDs do not have to be consulted on as extensively as development plan documents, and do not undergo sustainability appraisal.

SUSTAINABILITY APPRAISAL

Sustainability appraisal assesses the economic, environmental and social impacts of a proposed policy or plan, to ensure that it would contribute to achieving sustainable development. Local Plan documents have to undergo sustainability appraisal, but supplementary planning documents do not.



VALIDATION REQUIREMENTS

There are levels of mandatory planning documents that must be submitted with a planning application, national and local. The local planning authority will not be able to process the planning application if any documents are missing.



WORLD HERITAGE SITES

World Heritage Sites are places of Outstanding Universal Value, as set out in of the 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (the World Heritage Convention). As a State Party to the Convention, the United Kingdom is required to protect, conserve, present and transmit to future generations its World Heritage Sites. There are strict planning restrictions for development in or within the setting of world heritage sites in England.

