



Forest of Dean
— DISTRICT COUNCIL —

Development Management Charter

The Development Management section deals with the part of the planning process, which considers applications for planning permission. There are four main areas of work involved in this:

- Preliminary enquiries or informal advice, which is given, free of charge and is strongly encouraged.
- The formal processing of the various applications for planning permission (including advertisement, listed building consent etc.) for which fees set by central Government must be paid.
- The enforcement process against unacceptable unauthorised developments.
- The appeal process against a refusal of planning permission, a condition on a permission or an enforcement notice.

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1. Introduction

1.1 This charter sets out what you can expect from the service and the standards that we aim to achieve. It also includes recommendations for you as an applicant or as a local resident in order to minimise delay and help us to reach a satisfactory conclusion.

1.2 The Council's Development Management section deals with four main areas of work:

- Preliminary enquiries or informal advice, which is given free of charge and is strongly encouraged.
- The formal processing and determination of various applications for planning and related permissions (including advertisements, listed building and conservation area consent etc.) in accordance with national and local planning policies. The Council's planning policies are contained within the District Local Plan which will in due course be replaced by the Core Strategy which is likely to become a Development Plan Policy in April 2012 whilst retaining part 3 Proposals Map of the District Local Plan Review. Please use the following link to view Forest of Dean District Council - Local Plan. You are strongly advised to consult these documents if you are considering submitting a planning application.
- The enforcement process against unacceptable unauthorised development.
- Dealing with appeals against a refusal of a planning or other application, the imposition of a condition on a permission or an enforcement notice.

1.3 The service exists for the benefit of the whole community and has to take into account not only the wishes of the individuals or businesses who want to develop but also the views of people affected by development. The aim of the service is to approve quality development in the right place quickly. In dealing with applications the Council therefore has to strike the right balance between enhancing and protecting the environment and encouraging development that will provide for the economic and social well-being of the area.

1.4 You are also advised to view the Council's website Forest of Dean District Council - Planning Services which contains useful information and links to related websites regarding the planning process including a Validation Checklist which indicates what information should be submitted with an

application, guides to assist in residential development and how to extend existing dwellings, information on current planning applications, appeals and other general guidance.

2. Information and advice before making a planning application

2.1 We positively encourage pre-application discussions to try to overcome any planning issues prior to submitting a planning application. You are strongly advised to engage in pre-application discussion prior to submitting an application.

2.2 In order to help you understand what the planning issues are, the department will:

- Ensure that a member of the Development Management staff (The Duty Officer) is available on Monday 10am - 12noon, Wednesday 2pm - 4pm and Friday 10am- 12noon to offer general advice and information.
- Provide appointments with an appropriate officer.
- Reply to letters within 15 working days for most enquiries although where it is more complex and will take longer, an initial explanatory letter will be sent.
- Make available any planning policy documents (e.g. Structure Plan, Core Strategy) for examination at the Council's reception, together with any relevant advice notes (e.g. The Residential Design Guide).
- Deal with simple enquiries on the telephone.

2.3 Where advice is sought regarding whether planning permission is required for a proposed development the Council will seek the submission of a Section 192 Certificate of Lawfulness application.

3. Submitting a planning application

3.1 The applicant, or agent acting on their behalf, is responsible for the correct and complete submission of a planning application.

3.2 In order to help you we will:

- Advise on the filling in of the application form and requirements for supplementary information.

- Register and acknowledge the application in writing within 10 working days.
- If an application is submitted that does not include all the required information and plans then it will not be accepted, if significant changes/additional information is required to achieve a valid application it will be returned with supporting advice to explain what is required. Should only minor changes be needed then the applicant will be contacted to resolve them and given 10 working days to submit the requested information. Applications not complying with this timescale will then be returned.

4. Processing the application

4.1 Where an application is submitted by an agent, all notifications, discussion etc. will take place with them.

4.2 The acknowledgement letter will name the case officer who will be your first point of contact for any queries regarding the application.

4.3 If further information is required from the applicant/agent, it will be sought as soon as the need for it becomes evident.

5. Publicity

5.1 Neighbours who adjoin the site will be notified of all planning applications submitted either by letter or a site notice. Some more significant applications will also be advertised in the local press and may require notices to be posted on the site to publicise the proposal.

5.2 In addition other interested parties (for example Gloucestershire County Council, Parish Councils or the Environment Agency) will also be consulted where relevant.

5.3 A period of 21 days will be allowed for comments to be made. All comments will be made available for public inspection and posted on the Council's website.

5.4 All comments should be made in writing to the case officer and should quote the relevant planning reference number (this can be found at the top of the consultation letter and begins with a 'P'). The use of the Public Access

system to respond electronically is the Council's preferred form of communication.

5.5 If significant revised proposals are received, re-notification will take place and a further period of 14 days given for comments to be made.

6. Determining the application

6.1 The Council will seek to determine all applications within the Government's target of 8 weeks for 'other' or 'minor' applications (e.g. householder extensions or proposals for up to 9 houses) and 13 weeks for 'major' applications (e.g. an application for 10 houses or more). Anyone who wishes to know the outcome of an application can either track the application online using the Public Access system or contact the case officer. Minor proposals are decided by the Group Manager – Planning and Housing where they are in accordance with Council Policy and the Scheme of Delegation.

6.2 More major or controversial proposals are decided by the Development Management Committee. This normally meets on the second Tuesday in the month and is open to the public. If an application is dealt with by the committee, any supporting information and letters of support or objection received by the Council will be summarised in the Officer's report. Material submitted following the publication of the report and received up until the day before the meeting will be reported to members in a précis form ('late material') and available for them to read in advance of the meeting.

6.3 Furthermore, the applicant/agent and any person who has submitted their comments in writing can address the committee. However, it should be noted that a total of three minutes is allocated to each of the following groups:

- Those objecting to the application
- The relevant town or parish council and
- Those supporting the application including the applicant.

6.4 Both the applicant and any persons who have submitted comments will be advised in writing if an application is to be presented to the Development Management Committee. If you wish to speak you must ensure that you notify the Council of your intention by midday on the Monday before the Committee.

6.5 For further details on speaking at the Development Management Committee please review the leaflet: Public Speaking At Planning Committee.

7. The decision

7.1 There are three main types of decision that the Council can make on a planning application. These are as follows:

- The application is granted planning permission for the reason/s given on the decision notice and the development can be built without requiring any further information to be submitted to the Planning department. It should be noted that other types of approval may be required before you can commence the development. For example, Building Control approval may be required for the erection of any building or extension.
- The application is granted planning permission but you are required to submit further information to the Council for approval prior to commencing the development and/or comply with the conditions when you are building/using the development. This may relate to matters such as materials to be used, landscaping or the need to provide and maintain on-site parking. To approve such details a formal Discharge of Conditions application will be required. Wherever possible applicants are encouraged to submit sufficient details with their applications to avoid the need to impose such pre-commencement conditions.
- The application is refused for one or more reasons that are stated in the decision notice. If your application is refused and the reasons cannot be overcome, there is an appeal procedure that can be followed that is outlined on the back of the decision notice.

8. Appealing against a refusal

8.1 If your application is refused you are encouraged to speak to the Planning Officer who dealt with your application to discuss whether there is any way forward to make your scheme acceptable. This could enable you to submit a further planning application that is more likely to be granted permission.

8.2 However, in some cases it may be that there is a problem that cannot be resolved to the satisfaction of either you or the Council. In this instance you may choose to appeal against the Council's decision to refuse your application.

8.3 Appeals are made to the Planning Inspectorate which is part of the Government's Department for Communities and Local Government. Useful information on the appeal system and the Inspectorate's role in planning can be found on their website or in their publication "Guide to taking part in planning appeals", http://www.planning-inspectorate.gov.uk/pins/appeals/planning_appeals/making_planning_appeal.htm#take

However, it should be noted that only the person who made the application has the right of appeal. Furthermore, the Inspectorate must receive all the appeal papers within three months for a householder application or six months of the date of the decision in any other case (excluding advertisements where the appeal period is 8 weeks). An appeal may also be lodged if the Council do not make a decision on the application within the specified national target dates of 8 or 13 weeks.

8.4 The Council also have the discretion to refuse to accept a resubmission of an application which is either already at an appeal or where the applicant is still able to lodge such an appeal.

8.5 Finally, whilst only the applicant has the right to appeal, once an appeal is submitted all people who submitted comments on the original application will be notified by the Council in writing and given a date by which they should make their comments on the appeal known to the Inspectorate. Their views will then be taken into account by the Inspectorate when they make their decision. In addition, all comments received by the Council on the original application will be forwarded to the Inspectorate. (N.B Householder appeals are dealt with via a fast-track process and no further opportunity to make comment is afforded to neighbours or the Council).

9. Complaints

9.1 If you have any complaints about the way in which your application has been handled which cannot be resolved with the Case Officer, they should be taken up in the first instance with the Development Manager who can be contacted on 01594 812349.

10. Commencing development

10.1 It is the applicant's responsibility to ensure that development takes place in accordance with the planning permission and to comply with any conditions.

10.2 Where approval is required from the Council for matters specified in a condition this will require the submission of a Discharge of Conditions application. Wherever possible a decision on this will be made within 28 working days. Where the information concerned is complex and consultation with other authorities is necessary the full 8 week determination period may be required to reach a decision.

10.3 Any amendments to the approved development now require a new planning application which can be addressed in the following ways:

- A Non Material Amendment application: Designed to cater for very small changes which would have no material impact to the general public i.e. changing the make of brick.
- A Minor Material Amendment: For changes where it is necessary to reconsult but the basic form of the development remains unaltered.
- A new Planning Application: where the changes to the scheme are so significant as to require the Council to reassess the overall development.

11. Unauthorised development and enforcement

11.1 The Council has published an **Enforcement Plan** that sets out in detail the objectives of the Enforcement service and the level of service it aims to provide.

11.2 The general approach of the Council is as follows:

- Where an alleged breach of planning control is reported or suspected, the issue will be investigated.
- Written complaints will be acknowledged within 5 working days and the origins of all complaints will remain confidential to the Council.
- If a breach of planning has taken place, the person responsible will be given the opportunity to correct the situation within a reasonable period of time.
- In the event of the situation not being resolved by negotiation appropriate enforcement action may be taken.

12. Further Information

12.1 If you require further information regarding Planning and the Development Management process you can send an e-mail to planning@fdean.gov.uk or write to:

The Development Manager
Forest of Dean District Council
Planning Service
High Street
Coleford
Glos
GL16 8HG

12.2 Alternatively, for general advice you can contact the Development Management Duty Planning Officer during the following hours; Monday 10am - 12noon, Wednesday 2pm - 4pm and Friday 10am - 12noon.