

PLANNING SERVICE CHARTER



A. FOREWORD

What is Planning?

Planning is the framework which guides the use and development of land in the long term public interest. Its main objectives are:

- to set the land use framework for promoting sustainable development;
- to encourage and support regeneration; and
- to maintain and enhance the quality of the natural heritage and built environment.

Published planning information is available via a link on the Council's website www.middevon.gov.uk/planning

Our aim is to provide a friendly, courteous and prompt service and to maintain high professional standards, making the best possible decisions for local communities. In particular we aim to achieve the following service standards:

- Answer telephone calls promptly during office hours;
- Respond to telephone messages / voicemails within one working day;
- Respond to letters and e-mail communications within 10 working days;
- Encourage the involvement of town & parish councils;
- Deal with complaints about the service in accordance with the Council's 'Comments & Complaints' procedure, acknowledge within 5 working days and give a full response within 10 working days.

The main Planning Office is based in the District Council offices at: Phoenix House, Phoenix Lane, Tiverton, EX16 6PP. ☎ 01884 234260/62. Email devcon@middevon.gov.uk

Planning reception and the planning office are accessible by public transport and bus routes into Phoenix Lane which is a short walk away from the bus station. Public car parking is available in the multi-storey car park adjacent to Phoenix House Council Offices.

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A. Planning Policy and Conservation

The Council's Forward Planning team produces planning policies to help steer development over the next 15-20 years

The Planning Acts require planning decisions to be made in accordance with Development Plans in force in an area unless other material considerations indicate otherwise. The decision-making process is therefore plan-led and this provides developers, the public, statutory bodies and other interested groups with a reasonable degree of certainty as to how and when development in an area will take place. Development Plans are prepared with full public consultation.

Mid Devon Local Plan (MDLP) - The Mid Devon Local Plan is made up of three parts

PART 1 Core Strategy (CS) – Includes strategic policies such as targets for housing, employment and retail development. The Core Strategy does not allocate specific sites for development

PART 2 Allocations and Infrastructure Development Plan Document (AIDPD) - Allocates land for development and sets strategic policy on affordable housing and infrastructure provision.

PART 3 Development Management Policies - Contains detailed policies to manage development, such as policies on design, parking, community facilities and heritage.

Local Development Scheme (LDS) – sets key milestones for the preparation and revision of the elements of the Local Plan.

Statement of Community Involvement (SCI) – sets out the Council's policy on consultation and public participation when local plans or supplementary planning documents are prepared and planning applications considered

Development Plan Document (DPD) – documents showing where development will and will not be permitted and other site-specific policies and proposals.

Supplementary Planning Documents (SPD) – include additional policies that focus on a specific subject, such as air quality or affordable housing.

National Policy (NPPF) - sets out the national policy on local plan-making and development management. The Framework includes a 'presumption in favour of sustainable development'.

The Localism Act 2011 introduced a new tier into the planning system, empowering local communities to produce neighbourhood plans and have these adopted as part of the Development Plan.

The NPPF reintroduced the terminology of 'Local Plans' to describe the Development Plan Documents produced by the Council. As a result, the Core Strategy and Allocations and Infrastructure Development Plan Document (AIDPD) have now been suffixed with the term 'Local Plan'. The Core Strategy represents Part 1, the AIDPD Part 2 and the development management policies are titled Local Plan Part 3.

Copies of Local Plans and Policies are available for public view in our Planning Reception and on the Council's website www.middevon.gov.uk. Statutory and non-statutory written guidance is available at the planning reception desk during opening hours.

Conservation

Mid Devon has a high quality and diverse historic environment. There are 50 conservation areas and nearly 2500 listed buildings. The conservation team seeks to maintain and enhance the special character of the district by encouraging the sympathetic management and use of historic buildings. Some of the work of the team is governed by statute but, to safeguard the future of these special areas and buildings, emphasis is also placed on advice and understanding. The conservation team provides specialist advice on all matters of building conservation.

Within a conservation area, some works need permission. These include:

- ▶ Works to trees over 75mm in diameter at 1.5metres above the ground;
- ▶ Adding a satellite dish to your house on an elevation that faces the highway or a public open space;
- ▶ Demolition of buildings or parts of buildings (in certain circumstances); and
- ▶ Design standards will be higher where planning permission is required

B. Applications

A **planning application** is an application to the Council for the development of land and may include changes in use and extension to property. Applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. Applications are made as follows:

- **Outline** - an application made to establish the principle of development. Outline applications can only be made for the erection of buildings.
- **Full Application** - all details of the application should be submitted at the time when the application is made.
- **Approval of Reserved Matters** – in which details are submitted following the grant of **outline permission**
- **Listed Building Consent** - an application for works to alter, extend or demolish a listed building; this includes internal works. It is an offence to carry out works (other than repairs) which affect the character or appearance of a listed building without consent
- **Conservation Area Consent** - has been replaced with a requirement for planning permission for demolition of a building in a conservation area. The circumstances in which planning permission is required and the consequences of failing to apply for it when it is needed are the same as applied to conservation area consent.
- **Advertisement Consent** - required for certain types of advertisement and signage. The maximum period allowed for the consent is five years.
- **Certificates of proposed lawful use or development**
- **Certificates of existing lawful use or development**
- **Works to trees** – these are required for works to trees protected by a **Tree Preservation Order (TPO)**. It is an offence to cut, top, lop, uproot or deliberately damage or destroy such a tree without the Local Planning Authority's permission.
- **Prior Notifications** – give notice of intended works for certain agricultural and forestry buildings and works, telecommunication installations and works to any tree in Conservation Areas.

Amendments – an amendment can be made to an application for planning permission before consent has been granted; a **variation** can be sought for permission after it has been granted. Neighbours and those who have made objections or representations on an application may be notified depending on the significance of the changes to be made. In cases where changes are material and are likely to have an impact a new application would normally be required.

Section 106 Agreements or Section 106 Unilateral Undertakings are binding legal agreements between the Council, developers and sometimes others associated with a grant of planning permission regarding matters linked to the proposed development; for example: contribution's toward public open space, affordable housing and education or infrastructure works to highways, sewage works or flood defences.

Application process:

- We will register and acknowledge 95% of valid planning applications within 3 working days.
- Contact the applicant/agent within 5 working days if an application is incomplete and/or invalid, explaining what is missing and how to correct any mistakes. The applicant / agent will be given 21 days to provide the required information. Applications will be returned if information is not provided.
- Consult all relevant statutory bodies.
- The Council will publicise all planning applications by means of a notice (coloured white) posted on or near the site. The Council will notify in writing the occupiers of properties that share a boundary with the application site. Further neighbour notifications may be sent according to the officer's assessment of who may be affected materially and directly by the development following a site visit. All new applications are advertised weekly in the local press and on the Mid Devon website.
- You can inspect copies of applications and any supporting information which forms part of the application at our planning reception(s) or from our website via our online planning application service. Our online service allows you to view Mid Devon applications, you can search, view property details and submit comments on individual applications.
- The Council keeps a register of planning applications and decisions. This is held in the planning reception and on our website.
- New applications are plotted on a computerised mapping system. This is used by staff to locate planning applications, planning histories and developments and is available to the public via our online planning application service.

How To Comment on an Application:

Comments on applications must be made in writing. These letters, known as letters of representation will be taken into account when determining an application. Our online planning service allows you to view Mid Devon applications. You can search, view property details, and **submit comments** on individual applications. In line with the Council's Diversity Policy only planning issues should be included in your representation and any comments which the council considers to be inappropriate may be removed.

Examples of 'material consideration';

MATERIAL CONSIDERATIONS:

- Visual Impact
- Privacy / Overbearing
- Daylight / Sunshine
- Noise, smell etc.,
- Access / Traffic
- Health & Safety
- Ecology
- Crime (and fear of)
- Economic Impact
- Planning History
- Related Decisions
- Cumulative Impact
- Personal Factors (Rarely)

NOT MATERIAL:

- The Applicant
- Land Ownership
- Private Rights (e.g. access)
- Restrictive Covenants
- Property Value
- Competition
- Loss of view
- "Better" Site or "Better Use"
- Change from previous scheme

Letters of representation cannot be treated as confidential. The Local Government (Access to Information) Act 1985 requires that such correspondence must be made available for inspection either by Councillors or members of the public (which includes the press) and will be published on our website with your name and address. Due to the large volume of letters the planning department receives about planning applications, it is not possible for Officers to reply individually to comments made by local residents/occupants. However, planning comments will be taken into consideration and you will be notified of a decision once it has been made.

C. Decisions

Decisions on the majority of planning applications are delegated to the Head of Planning. This aims to speed up the decision-making process without harming the quality of those decisions or accountability. You can find out more about the 'Scheme of Delegated Powers' in the Council's leaflet entitled 'Scheme of Delegated Powers for Determining Planning Applications'.

As a Local Planning Authority the Council is expected to determine at least:

- 60% of major applications within 13 weeks;
- 65% of minor applications within 8 weeks, and;
- 80% of other applications within 8 weeks.

The Mid Devon District Council planning department monitors all application decisions delayed beyond 13 weeks. This information made available for public inspection once a quarter provides a summary of reasons for delay.

The Council's Planning Committee determines application's which are not determined under delegated powers.

D. Planning Committee

The Committee has fifteen elected Members and normally meets once a month, although occasionally special committees are called to ensure applications are not unduly delayed and decisions are made within Government targets. The agenda and reports to Planning Committee meetings are made available at least 5 working days before the meeting on our Council website www.middevon.gov.uk. Copies of the agenda are also available at the committee meeting.

Only one person may speak in favour of an application (usually the applicant or agent) and one person in objection. In addition, a parish council representative can also speak. Spokespersons are allowed to speak for 3 minutes.

Further details of public question time are set out in the Council Procedure Rules to be found in the Council's Constitution.

E. Appealing against a Decision

The planning department will explain the applicant's right of appeal. Applicants will also have the opportunity to negotiate with a planning officer to seek a solution, if possible, to the issues which have necessitated refusal of the application.

Appeals can be made against:

- the failure of the planning authority to issue a decision;
- refusal of permission;
- conditions attached to a decision; and
- an enforcement notice.

Appeals must be made on a form which is obtainable from the **Secretary of State, Department of the Environment, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN**

F. Enforcement

It is a legal requirement to have all necessary permissions and consents before commencing most types of development. If development is undertaken without permission the Council has enforcement powers to ensure unacceptable unauthorised development is removed, controlled or modified. Some development activities undertaken without prior approval constitute offences which can lead to prosecution, fines and in serious cases imprisonment. You should always check what consents you require before commencing any development.

The Local Planning Authority in line with Government advice will always seek negotiated resolutions of unauthorised activity and formal action will normally only be used where other options have not proved successful in resolving the breach.

When formal enforcement action is taken;

- Enforcement Notices
- Stop Notices
- Listed Building Enforcement Notices
- Section 215 Notices (untidy land)

appear on the Land Charge Register against the property concerned.

Breach of Condition notices may be served in cases where planning conditions are not being complied with.

The Council will;

- acknowledge enforcement related enquiries within 3 working days.
- investigate the enquiry and visit the site in all instances within 15 working days.
- notify the complainant in writing within 25 working days of receipt of the complaint (or as soon as it is possible to do so) advising:
 - how the Council intends to pursue the matter;
 - of any decision to take enforcement action, or not to do so; and
 - the reasons why.

Mid Devon District Council's Planning Enforcement Policy is available on the website www.middevon.gov.uk.

G. Building Regulations

Building Regulations are a set of minimum building standards, established by the Government, which provide acceptable levels of health and safety for people in and around buildings. They are also concerned with energy conservation and with making building more convenient and accessible for all people. Building Regulations apply to most building work, including erection of new buildings and extensions, material alterations, change of use, installation of controlled fittings and services including electrical installations, replacement glazing and insertion of insulating cavity fill in the external walls. Certain conservatories, carports and small detached buildings and garages, greenhouses and agricultural buildings are exempt from control but exemption should be determined in respect of each case as qualifications to enjoy exemption are varied.

The Building Regulations consist of a set of specific requirements. These are supported by detailed documents which provide guidance on how to implement the specific requirements. These are called Approved Documents, listed from A to P, which control the building elements as follows: A – Structure, B – Fire Safety, C – Site Preparation & Resistance to Moisture, D – Toxic Substances, E – Resistance to the Passage of Sound, F – Ventilation, G – Hygiene, H – Drainage & Waste Disposal, J – Combustion Appliances & Fuel Storage Systems, K – Protection from Falling, Collision & Impact, L – Conservation of Fuel and Power, M - Access to & Use of Buildings, N – Glazing Safety in Relation to Impact, Opening & Cleaning and P – Electrical Safety.

There are two methods of making an application to the Local Authority for work requiring Building Regulation consent. These are known as Full Plans Application and the Building Notice.

A Full Plans Application is suitable for all building work. Under this method the plans are examined by a Building Control Officer within an agreed 5 week or 2 month period. When plans are found to be in compliance with the Building Regulations, or are amended to achieve compliance, an official Approval Certificate is issued.

The service has a target of determining 99% of full plan applications within 2 months.

A Building Notice is suitable for minor works, including replacement windows, cavity wall insulation and alteration works. Control of the work is carried out on site after each part is completed and any contraventions of the Regulations discovered by the Building Surveyor must be rectified. A Building Notice may not be used for work to any commercial premises, place of work or other fire certified building, or where the work involves the erection, extension or underpinning of a building over, or in the vicinity of, a public sewer within the site.

Commencement of work

Once either a Full Plans or Building Notice application has been made, work may begin once 48 hours notice of intention to commence work has been given (excluding weekends and Bank Holidays).

Once commencement notification has been given, a Building Surveyor will visit and discuss any necessary points with the applicant or builder. The Building Regulations set certain stages of the work of which the applicant or the builder has to notify us. These stages will be discussed and agreed with the person responsible for the work.

You can notify us by telephone, fax, letter or e-mail. If you contact us before 10.00am it will give us a chance of inspecting the work the same day. We can only inspect from Monday to Friday and are not always able to give an exact time. We will, however, always try to call at the time requested.

Completion

When we are notified that the work is finished, our Building Surveyor will carry out a final inspection. A **Completion Certificate** will be issued when we have carried out a final inspection and are satisfied that the work complies with the Building Regulations.

The Section also monitors **Dangerous Structures** and **Demolitions**.

H. Regeneration

The Regeneration Unit works in partnership with other authorities, agencies and businesses across the area to promote and facilitate economic growth and prosperity.

Detailed information support and advice is available from the Regeneration Unit to assist business start-up, growth, investment and relocation in Mid Devon. Assistance is available in the form of links to support agencies, a property and sites advice service and business directory. The Regeneration Unit also manages the Council's industrial and commercial holding of building and land.

For all business, property and economic development matters please contact Chris Shears
Economic Development Officer ☎ **01884 234646** email: **econdev@middevon.gov.uk**

I. Our Performance Standards – Published quarterly on website

Service Standards	Target	Achievement
Percentage of Decisions issued within 3 days of Officer recommendation	95%	
Major applications determined within 13 weeks	60%	
Minor applications determined within 8 weeks	65%	
Other applications determined within 8 weeks	80%	
Householder applications determined in 8 weeks	80%	
Listed Building and Conservation Area Consents determined within 8 weeks	80%	
Major applications determined within 13 weeks (over last 2 years)	More than 50%	
Major Applications overturned at appeal (over last 2 years)	Less than 20%	
Determine all applications within 26 weeks (per annum – Government Guarantee)	100%	
Enforcement Site Visits undertaken within 15 days of complaint receipt	87%	
Building Regulation Full Plan applications determined in 2 months	95%	
Building Regulation Applications examined within 3 weeks	95%	
Delegated decisions	90%	
Applications over 13 weeks old without a decision	<45	