

Development Control  
Charter Guide

**July 2005**



Civic Centre  
Crook  
County Durham  
DL15 9ES

Tel: 01388 765555 Fax: 01388 766660

Minicom: 01388 761515 [www.wearvalley.gov.uk](http://www.wearvalley.gov.uk)

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Regeneration Department

Director : Robert M Hope

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## **Development Control Charter Guide**

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## **1 The Charter – Its Purpose**

- 1.1 The Planning process is a positive means of enhancing and protecting our environment whilst at the same time allowing the development necessary for our economic and social well-being to take place in an appropriate way. Most people become involved in it through the development control process, either as an application for planning permission or as someone affected by a development which is proposed or has taken place. It is essential that the various customers of this service clearly understand what they can expect from the process, if they are to continue to acknowledge its value to their local community.

## **2 Service and Quality**

- 2.1 Development control is a process which regulates the development and use of land. It involves the consideration of planning applications, the monitoring of development as it takes place, enforcement action where significant breaches of control have occurred, and the provision of information and advice about the system generally and individual proposals specifically. It is a process governed by the law, and can be complex.
- 2.2 Development control is also a service to local communities. Its objective is to ensure that changes to our physical surroundings – buildings and land – are right for their purpose and location. A framework for development is set out in Government guidance, and in more detail in the Wear Valley District Local Plan and Durham County Structure Plan. These are supplemented in some instances by design guidance and advice. Planning applications are considered against this framework, in particular the adopted development plan for the area, but also any other material factors.
- 2.3 The aim is to make the best decision about each application. This means taking into account a proposal's impact upon the environment and on the interests of the community. It may also mean balancing the needs of the applicant against the effect a development might have on neighbours and other people living nearby.
- 2.4 Applicants, neighbours and the public generally are all customers of the development control service. Many have little or no experience of how the system works. They must be treated positively, courteously and equally. This Charter sets out how the service will be delivered. It defines the service and the standards to be met.
- 2.5 Some planning applications raise complicated issues, some require assessments of their environmental impact. By their very nature such applications will take longer to deal with and be subject to some variations in procedure.
- 2.6 As with the Charter itself all letters and documents relating to development control will be written in plain language. The service will take into account the needs of ethnic and minority groups.

### **3 Pre-Application Discussions : Asking for Information and Advice**

- 3.1 Discussions will be welcomed before an application is made so as to encourage high quality applications and to ensure they can be dealt with as efficiently as possible. A Duty Support Officer will be available during office hours to provide general information and advice. It will, however, help particularly in the case of a specific proposal, to make an appointment to ensure that enquiries can be dealt with more promptly and effectively. If a proposal is large or complex the Department operates a team approach whereby a Lead Officer is selected who will arrange for officers of other disciplines to attend meetings and provide advice. If requested, confidentiality within the Council will be respected at this stage. If advice is sought by letter a response will be made within 21 working days. Telephone enquiries not always capable of being dealt with immediately will be returned within 1 working day.
- 3.2 The advice given will be accurate and objective. This will initially be an officer assessment of the proposal and will be without prejudice to the formal consideration of an application by officers or members of the Council because no neighbour notification will be possible and few if any consultees will be consulted. Information will be given about relevant planning policies and previous decisions, and about the Council's requirements in relation to such factors as design and servicing standards. On request, and where possible from the details provided, advice will be given about the merits of a proposal.
- 3.3 Advice notes will be made available on how to make a planning application and on the Council's requirements for common kinds of development. These will explain how an application is submitted and considered, how the decision is made, people's rights of access to information and documentation, and the standards of development quality the Council expects.
- 3.4 Copies of the Council's planning policies and other relevant documents will be made available, as will general leaflets on the development control system and information about Council procedures, and Committee dates and membership. If requested, advice will also be given, where known, on the other approvals or consents which may be necessary, or on other steps which may need to be taken.
- 3.5 Potential applicants and those intending to develop under permitted development are encouraged to tell their neighbours about their proposals. In this way any objections can be accommodated at the outset saving much time and trouble. Also by informing neighbours it is much less likely that a neighbour will complain to the enforcement officer.
- 3.6 The ODPM booklet "Householders Guide to the Need for Planning Permission" provides advice about permitted development rights. Also there is advice available on the Planning

Portal website and on the Council's website. Enquiries as to whether or not planning permission is needed will be answered within 21 working days. Enquirers should complete a Permitted Development Assessment Form. Alternatively, an application can be made for a Certificate of Proposed Lawful development. A fee is payable but there is the benefit of receiving a legal determination, and there is a right of appeal if the enquirer is dissatisfied with the response.

#### **4 Submitting a Planning Application**

- 4.1 It is the applicant's responsibility to make sure that the application is submitted correctly. However, if needed, help or advice will be available for completing the application form and in providing Ordnance Survey site plans. The applicant will be told what fee is payable for making the application and for site plans (if supplied).
- 4.2 As well as submitting an application in person or by post, an application can be made on-line. For details please visit the Council's website ([www.wearvalley.gov.uk](http://www.wearvalley.gov.uk)) from which you can link to the Planning Portal website.
- 4.3 A letter acknowledging receipt will be sent within 2 working days of receipt of a valid application. The letter will explain the rights of the applicant and a specific target date for decision will be identified.
- 4.4 The fee paid will be checked within 3 working days to identify any under or over payment and the applicant (or adviser/agent) will be notified of any deficiency or refund to be made.
- 4.5 If the application is incomplete or invalid the applicant (or adviser/agent) will be notified within 5 working days with an explanation of how this deficiency can be rectified. The applicant (or adviser/agent) will be given 21 days to submit the information/plans. If the deficiency is not corrected by the deadline, the entire application will be returned to the applicant (or adviser/agent). Any fee received will be refunded by the Director of Central Resources.
- 4.6 If the application is for a proposal which is permitted development the applicant (or adviser/agent) will be invited either to withdraw the application (the fee regulations do not allow a refund for a withdrawal) or to convert the application into one for a Lawful Development Certificate (Proposed Development). If the application is converted, half the fee will be refunded by the Director of Central Resources, as an overpayment.
- 4.7 If the case officer considers that no development is involved the applicant (or adviser/agent) will be invited to withdraw the application and the fee will be refunded by the Director of Central Resources.

## **5 Dealing with an Application**

- 5.1 The case officer dealing with the application will be identified and his/her responsibilities defined. The case officer will usually visit the site within 8 working days of the receipt of the application. If access is required a suitable appointment will be made where necessary.
- 5.2 Where it is clear from the outset that certain information is missing the applicant (or adviser/agent) will be notified in writing of the requirements and the reasons for them within 15 working days of the receipt of the application. A time limit for their return will be given and the implications of non-receipt will be explained. If the need for further information arises while the application is being dealt with the applicant (or adviser/agent) will be notified immediately of that need and the reason for it.
- 5.3 If the proposal is unacceptable as submitted but amendments could be made to overcome its deficiencies, suggestions will be made to the applicant (or adviser/agent). If significant amendments are required it will be necessary to withdraw the current application and submit a new application. Where minor changes are required more time may be needed to consider a revised application before a decision can be made.
- 5.4 Applicants will be informed, on request, about the progress of applications. It is also possible to check programmes on the Council's website. If an application cannot be dealt with by the target date, the reason will be explained to the applicant (or adviser/agent). More time will be sought only if there is a good reason for doing so.

## **6 Notifying the Public**

- 6.1 The Statutory Register, which lists all current planning applications and past decisions, will be indexed. It will be available for inspection by the public during office hours. Copies of valid applications will be placed in the Register within 3 working days of receipt and decisions made will be placed within 6 working days of the decision made.
- 6.2 The Council's notification and publicity policy, and how it relates to neighbours and to interest, amenity and residents' groups will be publicised, and will be available to view on the Council's website. It will explain the rights of people to be informed about applications, how they can obtain detailed information, how they can make comments, and how comments will be treated.
- 6.3 A Duty Support Officer will be available during office hours to provide information and advice.

- 6.4 Information about valid planning applications received will be provided weekly and publicised including on the Council's website.
- 6.5 Those people notified about a specific planning application will be advised how they can make comments upon it, and will be allowed 21 days in which to do so. If changes are made to overcome objectors' concerns details of the changes will be reported to the objectors. However, further comments will not be invited.
- 6.6 Applications can be viewed by visiting the Council's website. In exceptional circumstances details of an application may be provided. A request must be made in writing stating the reason(s). As well as making comments in writing it is possible to make them on-line by visiting the Council's website.
- 6.7 Any comments received will not be acknowledged unless the objector requests in writing that the receipt be acknowledged.
- 6.8 All comments received will be considered before the decision on an application is reached. If the decision is made by Development Control Committee, Members will be told about the comments received, and their relevance to the application will be explained.
- 6.9 For the avoidance of doubt, only about 10% of applications are reported to Development Control Committee. The Scheme of Delegation allows officers to determine most applications. The Committee considers major applications, applications where more than 3 objections have been received, or applications which a Member has called to Committee.
- 6.10 When an application is to be reported to Development Control Committee, 5 working days before the meeting anyone who has made written comments on a proposal will be notified. A copy of the report will be sent and an opportunity will be given to register to speak to Members. Reports can also be viewed on the Council's website. Details of the arrangements for speaking at Committee are available in the leaflet *"Public Involvement in Planning decisions – Making Your Voice Heard"* which can also be viewed on the Council's website.
- 6.11 All those making individual representations and organisers of petitions will be informed of the decision on the application within 14 working days of issue of the formal decision notice. In the case of decisions made under delegated powers a copy of the officer reports will also be sent.
- 6.12 Details of decisions can be viewed on the Council's website.

## **7 Making the Decision**

- 7.1 The Council publicises its own performance targets, setting out the timetable within which it will make decisions. Details of the scheme under which certain kinds of application can be dealt with under powers delegated to officers of the Council is also publicised, and can be viewed on the Council's website.
- 7.2 When an application is to be reported to Development Control Committee, the applicant (or adviser/agent) will be informed 5 working days before the meeting. A copy of the report will be sent and an opportunity will be given to register to speak to Members.
- 7.3 Once a final decision has been made the decision notice, report and a set of plans will be issued to the applicant (or adviser/agent) within 2 working days. Any conditions attached to a permission, reasons for refusal, and/or any additional information or advice will be set out clearly and the reasons for them explained.
- 7.4 Some decisions may not be made until the applicant and other relevant parties have entered into a planning obligation. If an obligation is believed to be required, an applicant will be told at the earliest opportunity so that negotiations over the form and content of the obligation agreement can be conducted concurrently with the processing of the application.
- 7.5 Where a decision has been made to refuse an application, changes or alternatives will be suggested, on request, where it is felt these would lead to a favourable decision on a revised application. The applicant's right of appeal against the decision will be explained.

## **8 Monitoring**

- 8.1 Once planning permission has been granted the applicant may need to submit for approval by the Director of Regeneration any details of the development which have not been agreed beforehand. These details will be described in conditions attached to the permission, and approval must be obtained before development can take place.
- 8.2 Submission of such details will be treated as a planning application. Receipt of the submission will be acknowledged within 2 working days. Except in the case of reserved matters submissions in respect of outline approvals (i.e. details of siting, design, external appearance, means of access and landscaping) no fee will be required. The case officer will decide whether or not consultation/neighbour notification is necessary. A letter granting or refusing approval will be issued within 8 weeks. If approval is not granted the applicant (or adviser/agent) will be advised of their right of appeal.
- 8.3 Development must be carried out in accordance with the approved plans. It is important that the Council's requirements are met and the permission is correctly implemented. The



Council's policy on monitoring development as it takes place and the circumstances in which inspections will be made will be publicised. It is the applicant's responsibility to let the Regeneration Department know if amendments to the approved development are necessary. The approval of minor amendments will be dealt with promptly on the receipt of amended plans. Major changes to approved plans will require the submission of a new application.

- 8.4 The approval of minor amendments which would have a lesser or nil effect or where an increase in area or volume of up to 5% is proposed and the site is isolated or the increase would have no adverse effect on neighbouring properties will be dealt with promptly by the case officer on the receipt of amended plans. Other proposed changes to approved plans will require the submission of a new application.

## **9 Enforcing the Planning Law and Regulations**

- 9.1 The Council's policy on enforcement will be publicised. It will explain the Council's enforcement procedures and practice. Complaints about alleged breaches of planning control are prioritised using a Scoring System, with points awarded according to the nature of the complaint. Details of the scoring system are available in a leaflet *"Planning Enforcement : What you need to know"*. This can also be viewed on the Council's website.
- 9.2 When an alleged breach of planning control is reported or suspected, the site or premises will be inspected and other information sought to establish the facts. Where a breach of planning control is established the person responsible for the breach will be informed of what is wrong and what action should be taken to correct it. A time limit will be given and the consequences of not taking the appropriate action will be explained. Only complaints relating to planning will be referred to an Enforcement Officer. Other complaints will be redirected to the appropriate department or outside body. Details of what can be dealt with by planning enforcement are publicised and are also available on the website.
- 9.3 Complaints about alleged breaches of planning control will be treated confidentially within the Council so far as is practicable. Complaints will be acknowledged within 3 working days. An enforcement officer will visit the site within 15 working days. After the visit within 1 working day the enforcement officer will reassess the priority of the complaint and decide what course of action to take and timescale, if appropriate, after discussion with the Principal Planning Officer. The Enforcement Officer will categorise the case according to one of the following:-
- NFA (no further action). The contravenor and complainant will be informed within 5 working days.

- INFO (more information/investigations required). The timescale for obtaining further information will be 20 working days.
- EXP (insufficient information to confirm a breach of planning control). The timescale for deciding whether expedient to take action will be 15 working days.
- ENF (sufficient information to confirm a breach and the breach is serious enough to justify enforcement action). The timescale for decision on appropriate action will be 10 working days.
- PROC (enough evidence of an offence). The timescale for a decision whether to prosecute will be 10 working days.

9.4 The complainant will be notified what category the complaint has been given and the reason(s) will be explained. The complainant will be further notified when a decision has been taken on whether or not to take enforcement action or to prosecute. The complainant will be notified if the contravenor has been invited to submit a planning application.

9.5 If at the end of 40 working days from registration of the complaint the complaint has not been resolved the Principal Planning Officer will set a new target date and the complainant will be informed.

## 10 **Complaints and Performance**

10.1 The Council will publicise its complaints procedures. It is available on the Council's website. All complaints about the way in which development control or enforcement matters have been handled will be acknowledged within 5 working days. A complaint under Stage 1 of the Council's complaints procedure will be fully investigated by the Principal Planning Officer and the complainant will be given a written response within 10 working days recording the outcome of the investigation and any action the Department proposes to take. If no action is proposed the reasons will be explained. If the complainant remains dissatisfied with the way in which the Department has handled the matter, a further complaint can be made to the Department's Complaints Officer. Under Stage 2 the Head of Development and Building Control will thoroughly investigate and decide what action, if any, is proposed. The complainant will be informed within 15 working days. If the complainant is unhappy with this reply an appeal can be made to the Chief Executive (Stage 3). The Chief Executive or designated officer will investigate the complaint and reply within 25 working days.

10.2 If the complainant remains dissatisfied the procedures for making a complaint to the Commission for Local Administration (the Local Ombudsman) will be explained.

- 10.3 The Council will publish a quarterly review of its performance in relation to the Office of the Deputy Prime Minister's determination targets, and its own targets.
- 10.4 The Council will publish an annual review of its development control performance. If it has fallen below its established service levels and targets, it will identify and detail the reasons and describe the measures it proposes to adopt to ensure targets are met.
- 10.5 In order to assess the level of customer satisfaction, whenever an approval or refusal certificate is issued a questionnaire will be sent out with the decision. Also after a decision has been issued, anyone who has made observations as an individual, submitted a petition or was notified about the application, will be sent a questionnaire. Complaints and the action taken upon them will be reported to the Regeneration Committee.
- 10.6 The Council will consider whether the quality of development which has taken place matches its expectations. If justified by local circumstances it will examine and revise its policies, practices and targets.