

How to apply for planning permission

Applying for planning permission

Planning permission is needed for most renewable energy installations, new buildings or major refurbishments to existing structures. The purpose of this guidance is to provide you with the understanding of how to effectively gain planning permission. For less significant building refurbishments, or for installing certain renewable energy technologies on existing buildings, planning permission may not be needed. Separate PlanLoCaL guidance is provided on 'Do I need planning permission?'

Planning permission is obtained via the planning application process which, for most applications, is dealt with by the relevant local planning authority. Local authority planning officers, specifically development management/control officers, have the central role of dealing with planning applications. It is up to them to consider whether a planning application is consistent with local and national policy, to run the public consultation on the proposal and ultimately to approve/refuse an application on behalf of the council.

Where applications are more complex or contentious, these may be ultimately decided by a committee of elected councillors. In such cases, they are advised by the planning officers on the policy and the recommended decision, but the final decision is the committee's.

Making a planning application

If you do need planning permission, you will need to submit standard forms which include site plans, ownership details, layout and landscaping drawings, and design and access statements. Your council will provide you with guidance notes and a checklist to help you complete the application and ensure you have all the necessary supporting information. They should also give you advice on preparing the plans and the design and access statement.

For complex applications, your council may also ask for technical and scientific information to be submitted. For instance, a large wind turbine application could require a full environmental impact assessment (EIA), including a range of technical studies such as ecological surveys, noise impact assessments and visual impact assessments.

Engaging and consulting the local community is always worthwhile before submitting a planning application. This will ensure you gain the learning of local people and provide them with the opportunity to understand and support your proposal. It can also be a requirement for certain applications. To find out whether you are required to carry out pre-application consultation, check the Statement of Community Involvement contained within your council's local plan

There is a fee to be paid for any planning application, but the size of this will depend on the size of the project. In the case of a simple application involving a single house, the fee typically would be £150. In the case of an application for a large-scale wind turbine, it could be much higher.

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There are two types of planning application: full and outline. Full applications are the most common and require the submission of all the details about the proposal. Outline applications can be submitted to find out whether a proposed development is acceptable 'in principle' and do not require all the details of a full proposal. Your local authority can advise you which type of application is appropriate for your proposal.

An additional source of advice is the Planning Portal website. This provides:

- A tool to calculate the planning application fee:
www.planningportal.gov.uk/PpApplications/genpub/en/StandaloneFeeCalculator
- Guidance on how to apply: www.planningportal.gov.uk/planning/applications

Contacting your local planning authority

If you are thinking about submitting an application, it is always worth first getting in touch with your local planning authority to seek any pre-application advice. Once your application has been submitted, a case officer will be allocated to your application. It is advisable that you get in touch with them to ask when they will look at your application and find out when they expect to conduct a site visit.

The allocated case officer will often ask for the professional opinions of a range of other officers, who may sit in a different department. These officers will assess the impacts of your proposed scheme on other important features of the site, and may recommend changes to the proposal or special conditions for any consent. Key officers who are usually consulted on planning applications include:

- **Historic buildings officers or conservation officers.** These are the officers who have specialist qualifications in the care and preservation of listed buildings and other heritage features. If your project involves changes to the appearance of a listed building or a building in a conservation area, these officers will advise whether special permissions such as listed building consent or conservation area consents should be applied for.
- **Arboricultural officers or tree officers.** These officers decide whether trees on any land in private ownership require protection, or whether you can do any work to trees that are already protected. They will also advise on new planting that should be undertaken.
- **Landscape officers.** These officers assess the potential landscape impacts of your scheme, and will advise on what changes to the scheme might be required to make landscape impact acceptable.
- **Ecology officers.** These officers assess the potential impacts on local flora and fauna and advise on surveys that need to be undertaken to collect information to inform any changes to the proposal. They will also advise on management of the site before, during and after construction to minimise impacts on local ecology.
- **Building regulations officers.** These officers will inspect your plans, and any buildings as they are constructed, in order to issue certificates of compliance with the building regulations.

Keep in regular contact with your assigned case officer, and ask for updates on consultation responses. If they or officers they have consulted feel that impacts will be severe, they may advise that the application should be refused. To avoid this outcome, try to jointly identify ways in which your proposal can be altered to address their concerns.

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Making a strong case

There are a number of minimum requirements needed to submit a valid planning application, but it is advisable to also submit additional information to support your application and present a strong case which clearly demonstrates why your proposal should be granted planning permission.

Ideally, your application should be supported by a statement which briefly explains the concept behind your proposal. The statement should also identify each of the national and local policies that support the proposal, with a brief explanation why. The statement should also refer to any other local studies or reports that support the proposal; these can be community or village plans, or other council objectives. All of this information is evidence that your proposal should be granted planning permission.

To do this, it is important to understand or at least be aware of the national and local policies that are supportive of your proposal. Further information on planning policy can be found within the PlanLoCaL guidance on 'National planning and the low carbon agenda' and 'Local planning'.

When presenting the proposal and explaining why you consider that planning permission should be granted, you need to relate each of your points to 'material planning considerations'. These are factors that planning officers use to determine your planning application. Material planning considerations can be wide ranging. Planning Aid have produced this useful guide for understanding what constitutes a material planning consideration: www.rtpi.org.uk/media/686895/Material-Planning-Considerations.pdf

Appeals

If no decision is made by the council within 13 weeks of submission of the application, or eight weeks for small scale applications, you have the right to appeal to the Secretary of State for Communities and Local Government on the grounds of non-determination. The decision-making power is then removed from the local authority to the Planning Inspectorate on behalf of the Secretary of State.

If your application is refused, you also have the right to appeal to the Secretary of State against the decision. As with non-determination, the decision-making power is transferred to the Planning Inspectorate on behalf of the Secretary of State.

You can base your appeal on:

- Procedural errors – if the council did not follow procedures properly in dealing with the case (e.g. they forgot to notify one of the neighbours of the application)
- Substantive errors – if the council made mistakes in deciding the application (e.g. local policies have been incorrectly interpreted or relevant national policy has not been considered)

In submitting an appeal against the refusal of planning permission, you must seek to address the reasons for refusal within the decision notice. There are inevitably extra costs involved in preparing an appeal. If your appeal is upheld, there is a possibility you can also be awarded costs to cover the expense of going to appeal. This is not guaranteed even if you win at appeal, so you should be mindful of the cost before going to appeal.

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Gaining planning consent

If you are granted planning permission, be aware that your decision notice will probably contain a series of conditions which must be adhered to for the development to be valid and in accordance with the official permission.

If your application was particularly contentious, a judicial review in the High Court is the one final avenue that objectors could explore to have your consent overturned. This is a serious and fairly expensive undertaking, and requires proof that either procedural or substantive errors had been made. Objectors must lodge their application for a review as quickly as possible, usually within a maximum of three months.

The first stage of a judicial review is a written submission. A judge will consider this and then either grant or refuse permission to proceed to court. If the objectors are allowed to take it to court, and they win, the judge can quash your planning consent. At this point you could re-apply for permission and the council could grant you permission all over again.

However, if your project has been the subject of concerted and widespread local objection, you should really consider whether it is a community project worth continuing with, especially given the substantial costs that are likely to be incurred.