A guide to publicity and neighbour notification for planning applications

As a local planning authority we are required by law to publicise all planning applications. This can include advertisements in a local newspaper, site notices and neighbour notifications. Applications are also advertised weekly in the press and on the Council's website.

What publicity will be undertaken?

The following table sets out the publicity that will be undertaken for each type of application:

<table>
<thead>
<tr>
<th>Nature of development Planning applications that are:</th>
<th>Publicity required</th>
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<tbody>
<tr>
<td>Accompanied by an Environmental Statement</td>
<td>Advertisement in newspaper, site notice and neighbour notification</td>
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<tr>
<td>Departures from development plan</td>
<td>Advertisement in newspaper, site notice and neighbour notification</td>
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<tr>
<td>Affect a public right of way</td>
<td>Advertisement in newspaper, site notice and neighbour notification</td>
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<tr>
<td>Major development.</td>
<td>Advertisement in newspaper, site notice and neighbour notification</td>
</tr>
<tr>
<td>Minor development. Prior approval notifications</td>
<td>Neighbour notification.</td>
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<tr>
<td>Notifications of larger household single storey rear extensions</td>
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<tr>
<td>Development affecting the setting of a listed building</td>
<td>Advertisement in newspaper, site notice and neighbour notification</td>
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<tr>
<td>Development affecting the character or appearance of a conservation area</td>
<td>Advertisement in newspaper, site notice and neighbour notification</td>
</tr>
</tbody>
</table>

Notes:

- In the case of neighbour notification, owners or occupiers of land adjoining each application site will be notified. On occasion and at the discretion of the planning officer, additional neighbours will be notified of planning applications.
- A yellow site notice is sent to the applicant to display at the application site. However, this is only done on a voluntary basis only.
- Required site notices will be placed on or near the site.
- Comments should be received within 21 days of the notification/display date and 14 days of advertisement date.
- Major development is:
  (i) erection of ten or more dwellings or housing development on a site of 0.5
hectare or more
(ii) erection of a building or buildings where the floor space to be created is 1,000m² or more and
(iii) development on a site of 1 hectare or more.

What if my comments are received late?

Failure to meet the deadline could mean your comments are not considered. However the Council endeavours to take into account all comments received before an application is decided. Comments received late will be addressed within the Officer report where possible, or will be reported orally to the Planning Committee.

How do I make my views known?

Any comments you wish to make must be in writing otherwise they cannot be considered. Please note that the Council can only take into account issues which are relevant to planning and can only refuse applications where there are sound and clear cut planning reasons to do so. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission unless it relates to valid planning reasons which can be substantiated. Further guidance about relevant issues is provided below.

If you make your opinions known they cannot be kept confidential. They will be published on the Internet where they can be seen by anyone, including the applicant. This is a legal requirement.

What happens if the application is changed (amended) before it is decided by the Council?

Often the Council negotiates changes to schemes following an initial assessment of a proposal and/or following an assessment of comments or objections made and amended plans are received. There is no statutory obligation to consult on amendments but where changes are significant it is the Council's policy to re-notify the neighbours. A period of 14 days is usually allowed for comment to be made. Neighbours will not be re-notified of relatively minor changes unless they are likely to have an impact which is considered to be worse than the original plans.

What happens to my comments?

They are passed to the Case Officer for consideration. Where appropriate, amendments may be sought to address issues raised. Unfortunately, due to the volume of comments made on applications the Council is not able to reply to these letters.

All matters raised in letters are taken into account and are summarised in a Planning Officer’s report which will be publicly available to view once a planning decision has been made. The applicant has a right to appeal to the Secretary of State against refusal of planning permission. In such cases correspondence received from objectors will be passed to the Inspector dealing with the matter. Objectors will be notified of the appeal and invited to comment again direct to the Inspector.
What matters raised in representations can be taken into account?

The Council's powers to determine planning applications are governed by a number of statutes and regulations. The Council can only take comments which raise planning matters into account. This includes a very wide range of issues including the following matters (this is not exhaustive):

- Planning Policy and Government Guidance
- external design, appearance and layout
- existing use rights and previous planning decisions relating to the land
- highway safety and parking
- loss of light to habitable rooms or overshadowing
- loss of privacy
- a loss of amenity e.g. landscape, trees, environmental matters, noise
- energy use, flooding and climate change; and
- impact on the environment and biodiversity.

The following are matters which cannot be taken into account (this is not exhaustive):

- loss of property value
- the applicant's morals or motives (e.g. profit)
- loss of a view over third party land
- matters covered by other legislation or by other laws (e.g. covenants, bylaws and Building Regulations)
- structural stability of property and capacity of the drains
- the applicant's personal circumstances (e.g. financial status, size of family, illness, age or other "needs")
- problems arising from the construction period, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts)
- market competition between businesses
- private disputes regarding land ownership or boundaries (e.g. fences, private rights of way, rights to light, etc.)
- previously made objections / representations regarding another site or application
- factual misrepresentation of the proposal; and
- opposition to the principle of the development when this has been settled by an online planning permission or appeal

Following the above guidance will assist you in making your case in the most effective way.