



Pre-application planning advice procedure

Introduced July 2017 (updated May 2018)



This document explains how householders, landowners and developers can obtain advice from Teignbridge Planners on the two big questions:

- 1. Do I need planning permission?**
- 2. Will I get planning permission?**

To answer each of these questions requires a different approach. The first requires application of legislation whereas the second requires consideration of planning policies and judgement. For that reason we have adopted a different form and procedure by which you can obtain advice from us on each question.

We are committed to ensuring that your privacy is protected by adhering to the EU General Data Protection Regulation (GDPR). Your personal data will be processed in accordance with our full privacy policy which is available to view at www.teignbridge.gov.uk/privacy

1. DO I NEED PLANNING PERMISSION?

Not all development requires planning permission because government legislation grants blanket planning permission for certain classes of development under the term "permitted development". Central government's Planning Portal www.planningportal.co.uk explains whether the work you want to do to your property is "permitted development" (in which case you don't need planning permission from us) or whether it is not permitted development (in which case you do).

"Permitted development" rights sometimes do not apply to a particular property due to planning conditions or Article 4 directions (you can check this on our website: www.teignbridge.gov.uk/planningpdrestrictions). You should also check the original planning permission for your house, as there are sometimes specific conditions limiting future work e.g. preventing the garage from being converted to living accommodation.

The legislation is quite complicated and before embarking on your development you may want to check with us whether you need planning permission. You can do this by sending us a completed Permitted Development Enquiry Form available online at www.teignbridge.gov.uk/planningguide. There is a charge for this service (as at 1 April 2018 the fee is £36) which will give you a fully considered, but informal view of whether you need planning permission. We aim to provide a response within 21 days. This response will not contain any advice about the likely outcome of any subsequent planning application where one is required.

A formal decision on the need for planning permission can only be obtained by submitting an application for a Certificate of Lawfulness, which can be done via our website www.teignbridge.gov.uk/planningapply.

It should be remembered that Building Regulations approval is a separate matter from planning permission. You may need Building Regulations approval even if you do not need planning permission. Further information on the Building Regulations is on the Devon Building Control website at www.devonbuildingcontrol.gov.uk

2. WILL I GET PLANNING PERMISSION?

When planning permission is necessary for your development you will need to apply for planning permission before you can start work. Before embarking on the process of submitting a formal planning application we would strongly advise you to engage with us in pre-application discussions. This approach is recognised as good practice by the government. Paragraph 188 of the National Planning Policy Framework (NPPF) says:

Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.

The NPPF says Local Planning Authorities should encourage take-up of the pre-application services they offer and encourage Applicants to engage with the local community before submitting applications.

Why seek pre-application advice?

We encourage you to submit your proposals to us for pre-application advice and believe this can be mutually beneficial for a number of reasons:

Saves you time and money – Pre-application advice can save you expending time and money working up and submitting a formal planning application that has little chance of success, and will provide you with guidance on what you can do to submit an acceptable planning application.

Speeds up the application determination – Addressing key issues at pre-application stage helps you prepare a higher quality application so we can process it more quickly and give you a decision sooner.

De-risks development proposals – Pre-application advice will help identify, at an early stage, any key issues that should be addressed before submitting a formal development proposal. This will help you minimise any potential constraints to the development project before your proposal even gets to the planning application stage.

Avoidance of planning conditions – Pre-application advice will enable you to gain an early understanding of what information needs to be submitted to avoid the imposition of planning conditions, which will save you time after permission has been granted.

Planning Applications submitted without the benefit of pre-application advice will normally be determined as submitted – Planning applications submitted without prior pre-application advice, or that ignore the pre-application advice given, will normally be determined as submitted where significant modifications would be necessary to make the proposal acceptable.

How to get pre-application advice

Pre-application advice can be obtained by completing our pre-application advice form at www.teignbridge.gov.uk/planningadvice and emailing or posting it to us.

The form must be accompanied by the appropriate fee. The pre-application charging schedule on the website sets out the maximum number of meetings that can be provided for that fee and the cost of any additional meetings. Householder proposals will be dealt with without a meeting and there is a lower fee for Small Minor proposals if a meeting is not sought.

Please note we cannot provide pre-application advice on applications for prior notification on change of use from an agricultural buildings to a dwellinghouse and related building operations under Part 3 Class Q of the Town and Country General Permitted Development Order 2015. This is because we would have to request submission of all the information required for the application for prior approval and make a full assessment of it to provide a meaningful pre-application response, which essentially duplicates the application process.

Please note we cannot provide pre-application advice on a larger householder extension prior notification under Part 1 Class A4 of the Town and Country General Permitted Development Order 2015 as prior approval is only required if adjoining neighbours object during the prior notification process.

What we need from you.

The pre-application advice form includes a checklist of the minimum information that needs to be submitted with your form.

However the more information you can give us, the more accurate and helpful our response can be. Vague proposals mean we can only give generalised and limited advice so please ensure that you provide an adequate level of information in advance.

Before submitting your pre-application you may find it helpful to:

- Undertake some initial research about the planning history of the site yourself – you can gain a lot of information from our website.

- Sound out the views of those that may be affected by your proposals, such as the occupants of neighbouring properties.
- On complex issues be prepared to seek private professional help – our service is not intended to be an alternative to employing professional consultants.

When we receive a written request for pre-application advice we will check whether sufficient information has been submitted in order for us to understand the site, its surroundings and the proposed scheme. We may need further information before offering written pre-application advice. Timescale standards for the issuing of written advice will only begin once sufficient information has been received and the fee has been paid.

Advice following refusal/withdrawal of an application

We will provide the opportunity for a free discussion including reasons for refusal and options for the way forward. Any further pre-application advice on a revised scheme will be subject to the published pre-application charges.

What you can expect from us

Following receipt of a properly made pre-application request we will acknowledge it (by email if possible) within 5 working days stating the name of the planning officer who will handle your enquiry. All communication from you to the Council should be via this officer. We aim to provide a written response within the following timescales:

- Householder (desk top – no meeting) – 21 days
- Minor proposals – 28 days
- Major proposals – 42 days

Whilst we will endeavour to meet these timescales we are happy to be flexible if you would like to spend longer negotiating an acceptable proposal as it is the quality of outcome that is important to us, and hopefully to you, rather than just the speed.

Meetings are not offered for householder proposals as the range of issues is limited and can be dealt with by a desktop evaluation as long as sufficient information is provided with your enquiry. Meetings can be arranged where necessary in respect of other proposals. If you would like a meeting to discuss your pre-application enquiry you should make this clear on your pre-application enquiry form.

Aside from any necessary consultations, a pre-application submission will not be subject to any publicity with the general public until the planning application is received. If you provide any commercially sensitive or confidential information this should be clearly stated.

Our advice

Our advice will set out the policy background against which the development will be considered. It will clearly lay out the issues which would be raised by the development (in so far as they can be identified at the pre-application stage). Where

relevant, our advice will specify what improvements can be made to the scheme to make it acceptable or if the principle of the development is unacceptable, what the grounds for refusal would be likely to be.

Advice will be given on the nature and quality of information required with your planning application and we will list the documents that will be needed.

Where policies require the proposal to make a financial contribution we will seek to identify this in the advice together with the likely level of that contribution (if known at this stage).

Where possible our advice will set out where additional information could be provided with your planning application to avoid the need for planning conditions to be attached to the resultant planning permission.

Where the application is in the 'major' category we will identify the members of the Development Team that will need to be assembled to consider your proposal. We will offer to agree a timescale with you to project manage through pre-application to a formal application decision. This may be through a Planning Performance Agreement and we would be happy to discuss an enhanced service for an additional fee. Advice will be given on the relevant heads of terms that would likely be included in any Section 106 Agreement as necessary.

Although pre-application advice is offered on a without prejudice basis, we will ensure that it is as reliable as possible. To ensure consistency and robustness of our written advice the Case Officer's reply will be overseen by a more senior officer before being sent. The advice will be based on the available information and policies at that time, but will not be a guarantee that any subsequent application will result in a particular decision and will not be binding on the Council in any way. Our opinion may change during the formal application process as a result of the views of consultees and other interested parties such as neighbouring residents. The final decision may also be made by Planning Committee, rather than by officers and it is possible that they may reach a different view.

Pre-application advice given will be recorded on our database system and will be used as a guide to considering subsequent applications in the interests of consistency.

Whether or not you decide to seek pre-application advice does not affect your right to submit a planning application, or to make an appeal to the Planning Inspectorate in the event that your application is refused. However, where an applicant fails to incorporate advice given at the pre-application stage into a formal planning proposal it is likely the application will be determined without any further negotiation.

Additional services for larger schemes

Further information about the following two services is available on our website at www.teignbridge.gov.uk/planningadvicelarger

Pre-application forum

If you are proposing a major development and you want to present your proposals to Members, consultees and local residents prior to submitting your planning application we can arrange a Pre-application Forum. The forum provides an opportunity for discussion and debate to enable the Applicant to gauge the likely response to their proposals. The procedure also enables Members to gain an early insight into what is being proposed and to hear from Officers and Consultees what planning constraints and opportunities will need to be considered at the formal application stage. The forum is open to the public, but to maintain order and structure only those invited to speak can participate. There is an additional charge for organising this.

Design review

Design Review is an independent and impartial evaluation process in which a panel of experts on the built environment assess the design of a proposal. The process is designed to improve the quality of buildings and places for the benefit of the public. The review is conducted by expert practitioners with current experience in design and development, a record of good design in their own projects and the skills to appraise schemes objectively. It offers feedback and observations that will lead to the improvement of schemes, but does not redesign them. The process of design review gives decision makers the confidence and information to support innovative, high quality designs that meet the needs of their communities and customers, and to resist poorly designed schemes.

Design review offers the greatest benefits for scheme promoters when undertaken at a pre-application stage before proposals are finalised and can provide valuable feedback at this stage. If you would like your scheme to be referred for design review this will normally be by the Devon and Somerset Panel. Further information can be found at www.designreviewpanel.co.uk. The cost of taking schemes through design review will be met by the promoter and is in addition to our own pre-application advice charge.

Other sources of planning advice

We will still provide free verbal advice to Teignbridge residents for householder developments or impact of neighbouring developments via the Duty Planner service.

The Duty Planner service operates afternoons only from 1pm.

Phone calls will be returned in the order in which they are received and this may not be on the same afternoon. In person appointments are available and must be booked in advance. The Duty Planner is able to offer general advice, but not detailed site specific advice, and cannot provide written advice.

Planning advice can also be found on the Council's website at www.teignbridge.gov.uk/planning

The Planning Portal is a further source of planning guidance and information

<http://www.planningportal.gov.uk>

What if I disagree with the advice received?

In most cases, it will be differences of opinion rather than factual errors that give rise to disagreement. These can only be resolved through submission of a formal planning application and, if necessary via an appeal. However, if you feel that something has gone wrong, please explain to the officer involved, as he or she may be able to clarify the situation further.

If you are still dissatisfied with the service provided, it is open to you to make a formal complaint. Further information on the complaints procedure can be found at www.teignbridge.gov.uk/customerfeedback.