

CODE OF PRACTICE FOR PUBLICITY AND CONSULTATION ON

ALL PLANNING APPLICATIONS

This Code of Practice is designed primarily to assist officers in the Planning Service to deliver the commitments set out in the Council's Statement of Community Involvement (SCI), by giving more detailed, practical advice with illustrated examples of notification in the Appendix. It is published alongside the SCI so that any interested member of the public can see the guidance that officers are working to.

The examples in the Appendix illustrate how, typically, the mix of neighbour notification and site notices should be determined. They also illustrate what wider neighbour notification might look like.

It is vital to be consistent, as the level of publicity given to applications is often under community and Member scrutiny. Being more generous or adopting different criteria in one or more applications will create an expectation of similar practices being repeated in other applications. It should therefore be avoided.

Neighbour notification and site notices

The legal requirements are set out in Article 15 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, as amended. For the majority of planning applications, including householder applications, the publicity requirements are covered in Article 15(5).

15(5) ...and by giving requisite notice –

- (a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or
- (b) by serving the notice on any adjoining owner or occupier.

15(10) In this article –

“adjoining owner or occupier” means any owner or occupier of any land adjoining the land to which the application relates.

‘Adjoining the land to which the application relates’ – This is not further defined, but we are interpreting that as including land within 4 metres of the land to which the application relates i.e. even if divided by a footpath. ‘To which the application relates’ will include all adjoining land where the development is located. So for a front dormer application or a front extension to a house, an adjoining property to the rear would not count as land to which the application relates. (See Appendix for illustrations)

Letters remain an effective method of notification, when properties may be affected and the owners/occupiers are unknown. They are considered necessary for hard to reach communities and residents without access to the internet. For this reason,

even though they are more expensive to administer than site notices, we will use letters for adjoining land to which the application relates and any others close by that are directly affected. (Wherever an e-mail address is known, e-mail will be used for notification in preference to a letter, as it is much quicker and can provide a link to the relevant documents on the web site, as well as being cheaper to administer.)

Site notices, designed to make the key content more eye-catching, weather-proofed to improve legibility, prominence and durability, and with 'Quick Response' (QR) codes added to improve effectiveness for mobile phone users with internet access, are an effective additional method of notifying adjacent businesses and the wider community. (QR codes will also be added to neighbour notification letters to provide the option of more direct access to the relevant web page.)

Permission in Principle

It is now possible to go through the "Permission in Principle" route for housing –led development as an alternative way to obtain planning permission for up to nine dwellings.

Applications for Permission in Principle via the Brownfield Land Register require notification by site notice and an online notice with time periods for making comments of 21 and 14 days respectively. It is proposed to use these method as well as notification by letter as would be undertaken for applications for planning permission. Note that the Local Planning Authority can proceed to a decision as soon as the publicity period has expired so it is important that comments are received before the deadline.

Wider neighbour notification/consultation

When:

Wider neighbour notification will be appropriate where the development proposed is considered to have the potential for widespread impacts, such as a major development leading to significant traffic increases or the proposed development being widely visible and potentially visually obtrusive.

Wider notification of adjacent residential properties that might be affected by the development proposed is considered to be appropriate for the following development types, for example:

- Hot food take-ways
- Bars
- Nightclubs
- Telecom masts
- Wind turbines
- Industrial polluters
- Traveller's sites
- Potential closure of use that provides a critical shopping or community role

This list refers to significant applications – new uses, extended hours, new flues etc. - not minor alterations, amendments, small apparatus, conditions, non-material amendments etc.

‘affected’ – refers to planning matters only (the Council provides separate guidance on [Planning application decisions and what we consider](#)).

How:

Typically, wider neighbour notification will be achieved through residents, businesses and community groups registering on the Council web site for automatic e-mail alerts, statutory advertisements in the local press (where required), consulting Parish and Town Councils/community groups, and media coverage. The availability of application documents and advice on the Council web site has reduced the need for public exhibitions and meetings for very large scale developments.

Where wider neighbour notification is considered appropriate, letters will be sent to adjacent residential properties.

‘adjacent’ – means nearby properties, which in a typical residential area would be up to 4 properties either side from the application site and those directly opposite. Where considered relevant, notification will include additional site notices on the immediately surrounding main streets affected. Whilst letters are considered desirable to reach all occupiers of residential properties, for non-residential properties it is reasonable to rely on site notices. The Council will determine the appropriate mix of measures.

Additional rounds of neighbour notification

All supplementary and amended plans submitted are scanned as soon as possible after submission and indexed to identify them on the Council web site. It is now possible for anyone interested in an application to track the application and get automatic e-mails when any new documents are added to the file (as well as register an interest in any future applications on the site).

The case officer will judge when substantial amendments or amendments which may significantly worsen or add new areas of concern for neighbours merit an additional round of individual neighbour notification to those directly affected by the amendment. A reduced consultation period may be reasonable if the content of the proposal is still broadly similar, but any reduced consultation period shall never be less than ten working days from the date of the notification letter or site notice.

Previous applications

If there has been a recent similar application in the previous three years, this will be examined and any community groups/elected representatives that might possibly still have an interest, including the secretary/chair of an action group and the organizer of a petition will also be notified. Wider notification will be in accordance with current commitments, not a repeat of historic practices.

Blocks of flats, business parks and managed workspace – If an adjoining block

of flats or group of business units has multiple tenants/occupiers, a site notice will be posted at or as close as possible to the main entry point or most affected part (if different).

Buildings under construction – Every effort will be made to notify at least the builder (who may still be the owner) and, if close to occupation, the occupier/new owner, by posting a letter, if possible without any health and safety risk.

Advertisement applications

Generally, we do not neighbour notify for advertisement applications, unless the advertisement proposed is particularly obtrusive, such as a large hoarding directly opposite houses.

Appeals

In the event of an appeal, the case officer will ensure that details of all interested parties are passed to Legal Services so that they can be notified of the appeal.

APPENDIX

EXAMPLES OF WHEN TO NOTIFY NEIGHBOURS BY LETTER AND SITE NOTICE

1. 'Adjoining the land to which the application relates' and others 'affected' – house extensions

- Neighbours notified are those directly adjoining and those directly affected

A – Single-storey rear extension with property to sides and rear 'adjoining the land to which the application relates'. No other properties 'directly affected'



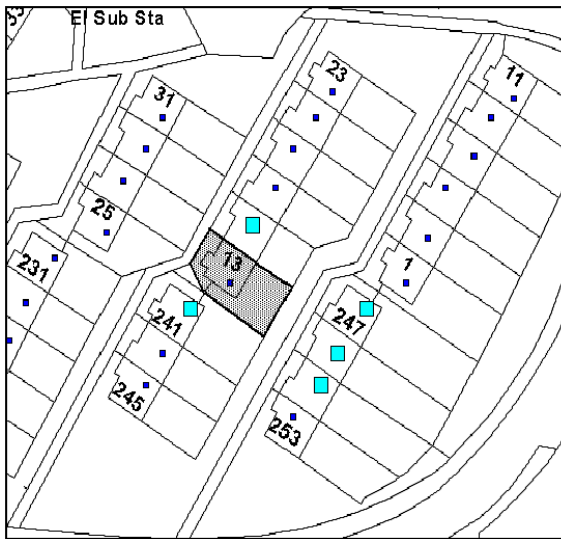
C – Two-storey rear extension visible

B – Two-storey side extension with properties to the rear and sides 'adjoining the land to which the application relates' and, to the front, 'directly affected'.



D – Dormer to the front visible to

to properties to the rear that are not to directly adjoining but 'directly affected'.



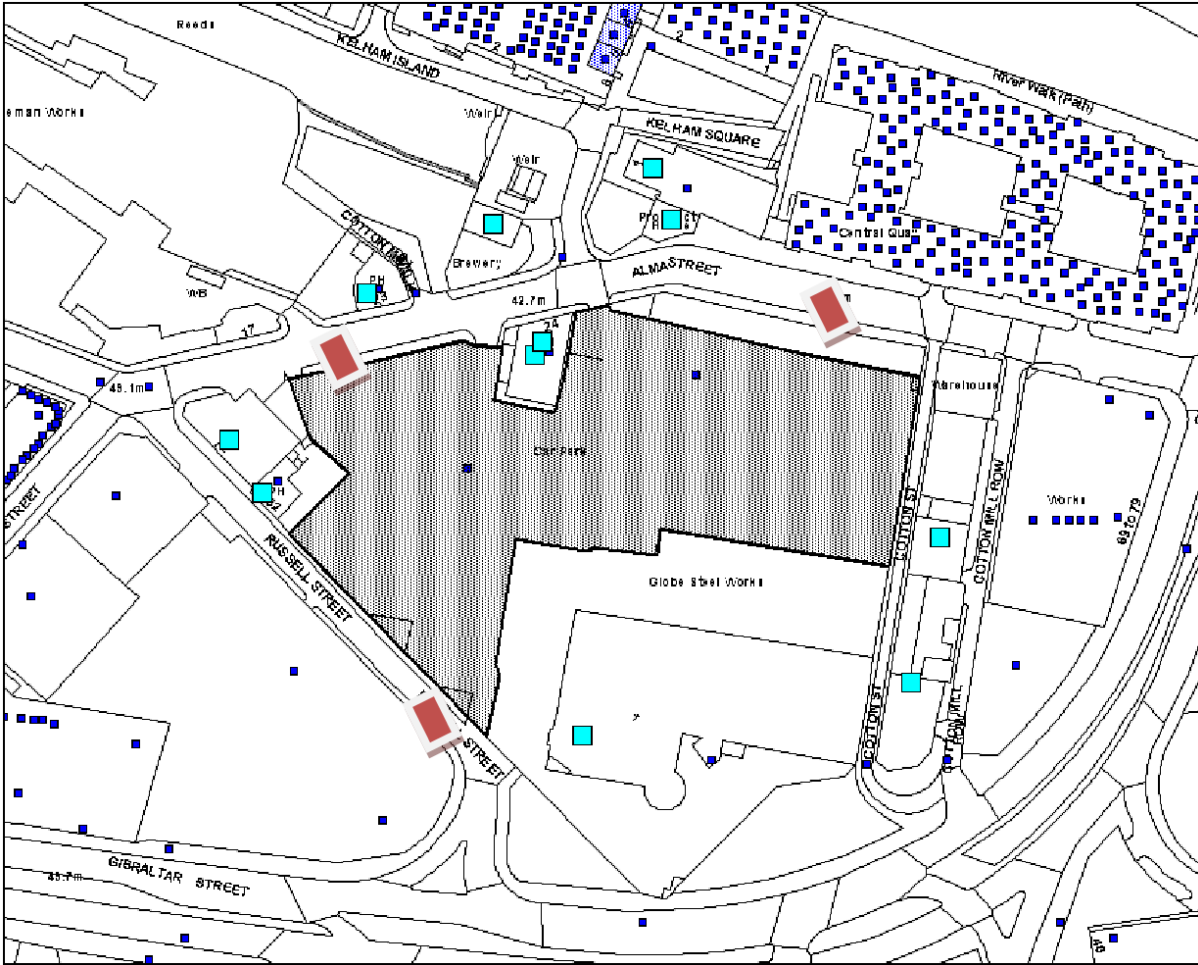
properties opposite that are not directly adjoining, but 'directly affected'.



2. Directly affected, adjoining neighbours – block of flats opposite

- Neighbours notified are those individual properties directly adjoining and affected
- The block of flats opposite are directly adjoining and notified by site notice rather than scores of letters

Key: Application site shaded, neighbours notified indicated by light blue squares and site notices by red rectangles.

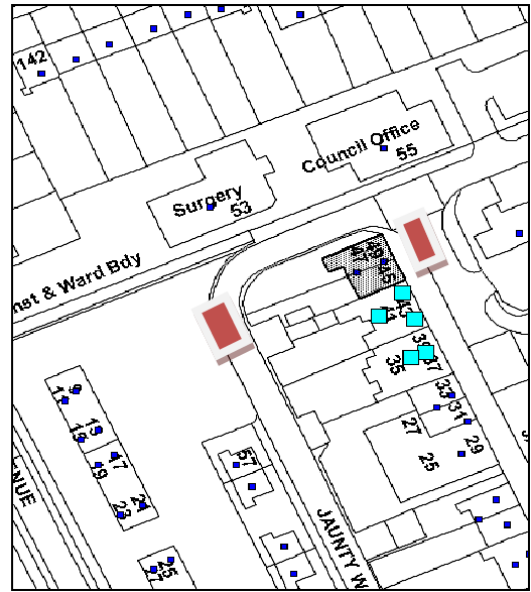
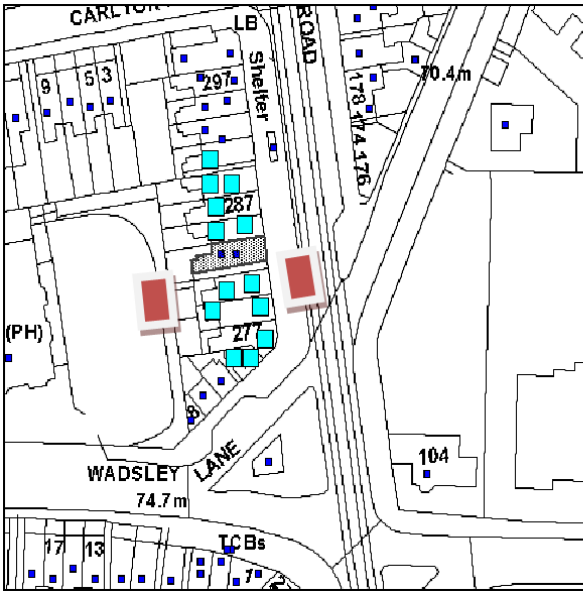


3. Wider neighbour notification - hot food take-away

- All directly adjoining neighbouring properties notified
- Adjacent residential properties up to 4 properties either side and directly opposite notified
- Adjacent non-residential properties and wider residential properties notified by site notices

A – mid-terrace location

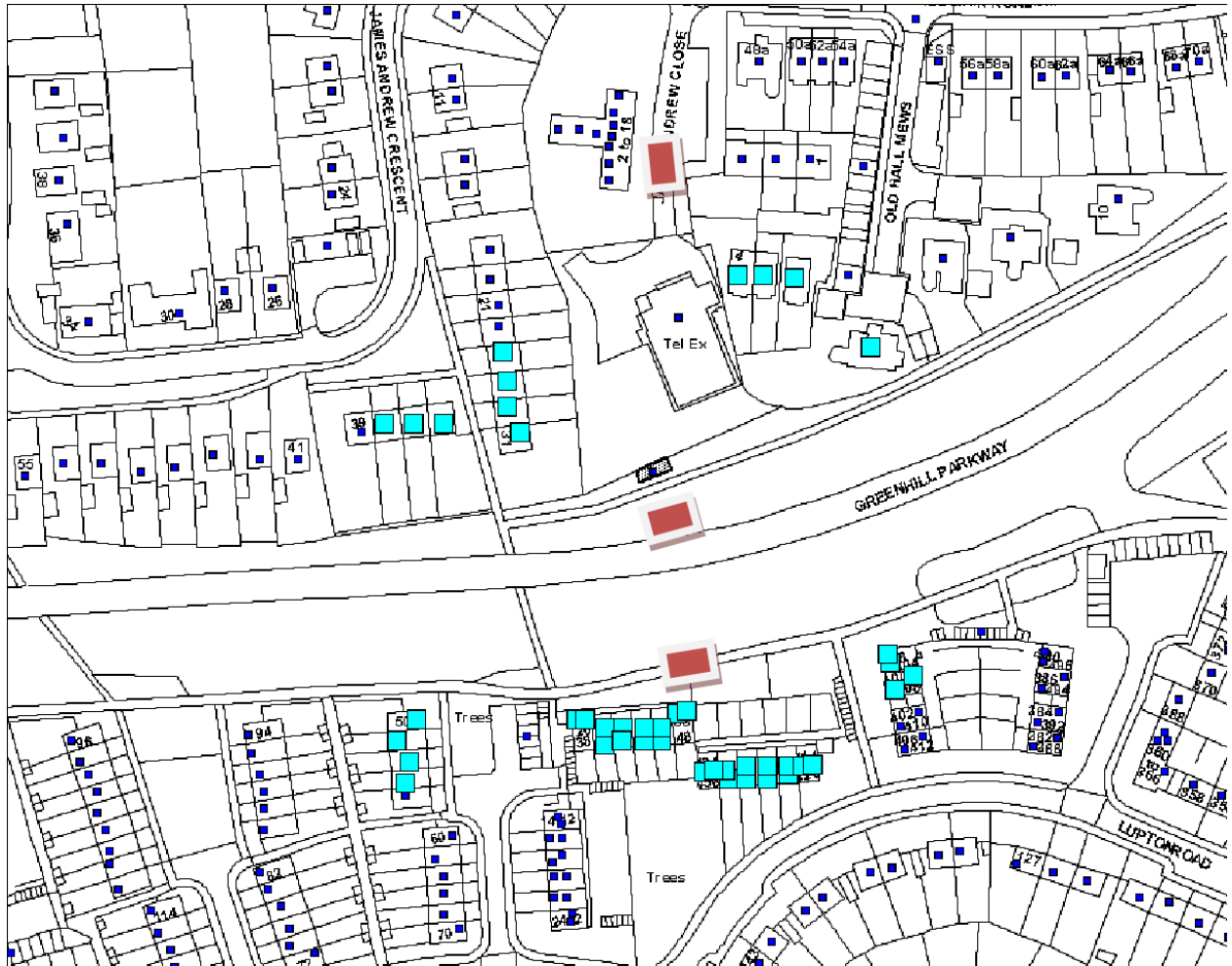
B – end-terrace location



Key: Application site shaded, neighbours notified indicated by light blue squares and site notices by red rectangles.

4. Wider neighbour notification - telecommunications mast (15 m high)

- All directly adjoining neighbouring properties notified
- Adjacent residential properties up to 4 properties either side and directly opposite notified
- Adjacent non-residential properties and wider residential properties notified by site notices



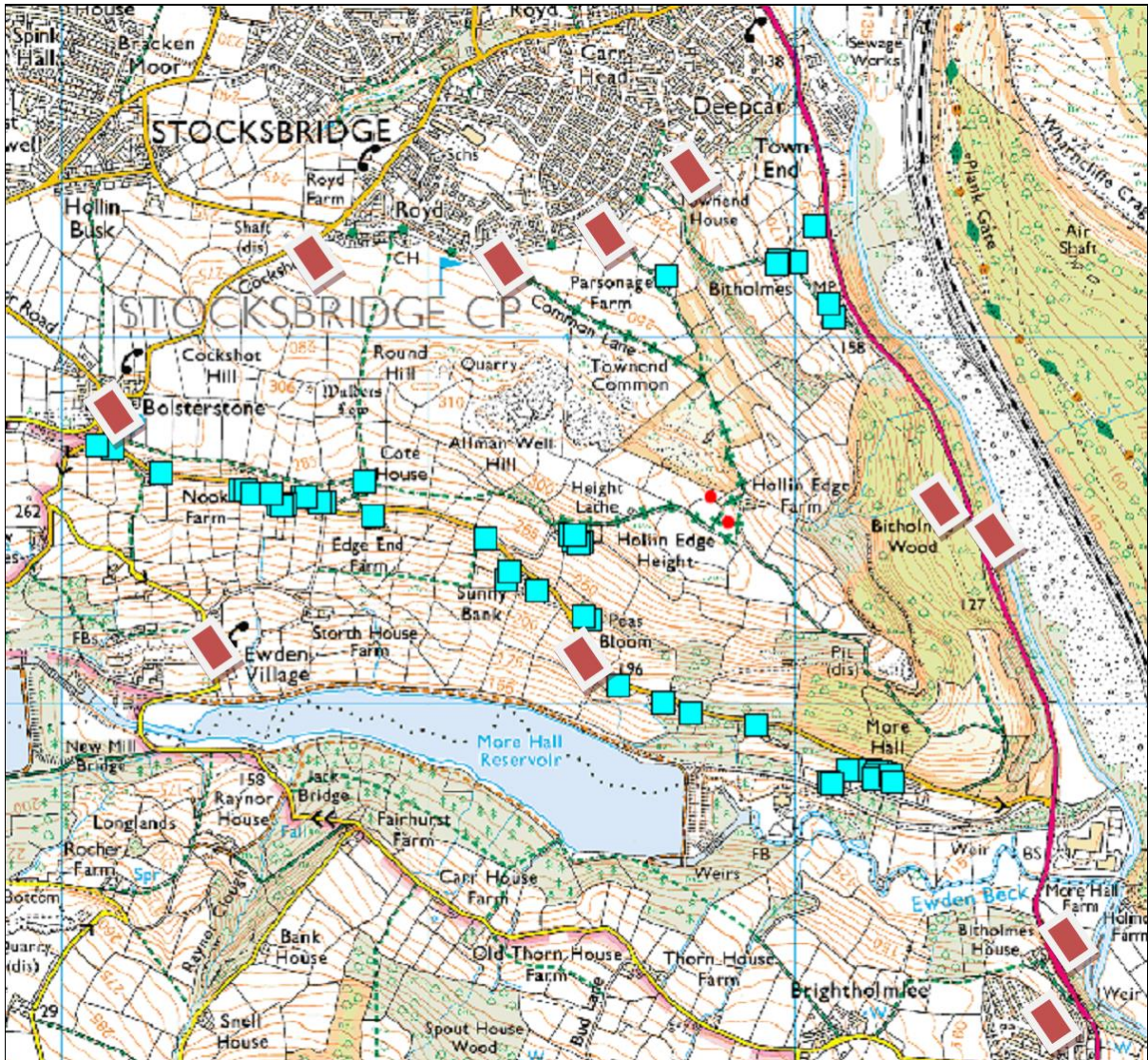
Key: Application site shaded, neighbours notified indicated by light blue squares and site notices by red rectangles.

5. Wider neighbour notification – wind turbines

- Directly adjoining neighbouring properties notified
- Adjacent residential properties up to 4 properties either side notified
- Closest properties with direct line of sight included as 'adjoining properties'

- Adjacent non-residential properties and wider residential properties notified by site notices

Wider use of site notices due to anticipated wider community interest. Neighbour letters kept to reasonable numbers as site notices will complement wide publicity and general awareness that will follow directly



Key: Two wind turbine sites indicated by red dots, neighbours notified indicated by light blue squares and site notices by red rectangles.