



Planning, Health and
Environment Division

Development Control Charter



INTRODUCTION

This Charter has been produced by the Wyre Forest District Council to explain the standards of performance and service which you can expect in relation to Development Control.

This charter is a reflection of the Council's commitments to delivering a high quality and accessible service to a range of customers and service users.

Much of the practice advocated in this charter is a reflection of the Planning Users and the Enforcement Concordats to which this Council has signed up.

The Charter is a positive step towards improving understanding of the Planning System and making access to the process of decision making more open and straight forward. After all, if you know what to expect we can work together to improve our quality of service and enhance and protect the environment whilst, at the same time, allowing necessary development to take place in an appropriate way.

Planning is a complex subject often seen as a balancing act regulating changes to the environment in the interests of the wider community.

The Council recognises that potential conflicts exist and it is important that you clearly understand what can reasonably be expected within the clearly defined limitations placed on the Council.

It is hoped that this Charter will help to guide you towards a greater understanding whilst informing you of the high service standard which we aim to provide.

A handwritten signature in black ink, appearing to read 'M. Parker', with a stylized flourish at the end.

M. PARKER

Head of Planning, Health and
Environment

May 2007

SERVICE AND QUALITY

Development Control is a statutory duty of the Council governed by Law. It involves dealing with planning applications, monitoring development and instigating enforcement action where serious breaches of control occur.

Officers also provide information and informal advice about development proposals and are happy to discuss Planning Law and Regulations with you in relation to any specific proposals you may have. If you want to know whether you need planning permission, we are here to advise you.

All planning applications must be determined in accordance with the Development Plan, unless material considerations justify not doing so.

In Wyre Forest District the Development Plan comprises the Wyre Forest District Local Plan adopted in January 2004 and the Worcestershire County Structure Plan adopted 2001. However the District council is about to commence the first stage of the review of the Local Plan under the new Local Development Framework. An issues and options

development plan documents is due to be published in summer 2007. Please check the Council's website under Forward Planning for updates.

Our aim is to make the best informed and fairest decisions, rather than the quickest, having considered the needs of applicants and the views of experts and neighbours.

Many less contentious and minor applications can be dealt with speedily but others involving more complicated issues or an assessment of their environmental impact, may take longer.

Whether you are an applicant or wish to comment upon an application, we understand that you may be unfamiliar with planning policy and procedures and we aim to treat everyone courteously and equally. Application forms, notification letters and explanatory leaflets are written in plain English as far as possible.

This Charter sets out how the service will be delivered and the standards to be met.

INFORMATION AND ADVICE

Discussions before an application is made are encouraged. Early talks can make the planning process easier for you and improve the quality of applications received. They can also help us to process your application more quickly.

We operate a duty officer system to ensure that professional Officers are available at the Worcestershire Hub which is based at the Town Hall in Kidderminster between 10.00 am and 4.00 pm and on the telephone to deal with enquiries.

Customer Services Assistants are also available to assist in filling out application forms and providing more general advice.

If you wish to see a particular Planning Officer it is advisable to telephone first to ensure that they are available to meet you.

We are happy to discuss your proposal or explain plans.

All pre-application enquiries will be treated as confidential unless other relevant Officers need to be involved in order to answer you fully.

To assist you further, a range of information leaflets are available **free of charge** at the Hub and online which provide advice on:

1. the 45° Code
2. a Guide to House Extensions
3. a Planning Guide to Horses and Stables
4. a Planning Guide to Conservation Areas
5. a Householder Guide to Permitted Development
6. Public Speaking at Planning (Development Control) Committee
7. Best Practice on works to Tree Works
8. Guidance notes for the Protection of Trees
9. a Guide to Listed Buildings
10. a Planning Guide to Working from Home
11. a guide to Planning Enforcement
12. a guide to the Development Team Approach
13. Farmers guide to permitted development
14. a Planning guide to caravans
15. a guide to locally listed buildings
16. inclusive environments (making provision for disabled users of

development)

17. guidance on submitting major applications
18. guide to sustainable drainage systems.

Furthermore, you can refer to the 'Frequently Asked Questions' page on the Council's website:

www.wyreforestdc.gov.uk

A series of practice notes which help to guide our procedures are also available on the Council's website or from reception at the Hub (see list at end of this document).

A Guide to the Planning Process has also been produced for Parish Councils to assist them in making comments upon planning applications.

Copies of the Council's policies and documents are also available from the Hub (at a charge) together with information on Committee dates and Membership.

In all our dealings Planning Officers aim to be polite, fair and professional.

- If you seek advice or information in writing we will aim to reply within **10 working days** if only to acknowledge receipt.
- Planning Officers will endeavour to answer the 'phone promptly and calls not capable of being dealt with immediately will be returned within **1 working day**.

Advice will be given to the best of an Officer's ability based on information available at that time in an accurate and objective way but without prejudice to the future determination of a planning application or any course of action the Council may ultimately take.

SUBMITTING A PLANNING APPLICATION

It is the responsibility of an applicant to make sure that the planning application is made correctly. Planning Officers will provide every assistance in completing the forms. Simplified forms are available for householders wishing to extend their property. Copies of application forms may be downloaded from the Council's website or collected from the Hub. Furthermore, planning applications can also be submitted on line via the Planning Portal.

Planning Officers will also advise on the correct fee to be paid and on the range of plans which you will need to show your proposals. We can also provide Ordnance Survey plans but there is a charge for this service. A summary of the planning application fees can also be found on the Council's website.

Taking time to ensure that your application is complete and accurate will save time later when neighbours and the Parish Council and other bodies are notified of your proposals.

It is always helpful if applications are accompanied by a letter explaining the background to the application and any particular matters you would like the Case Officer to be aware of when dealing with your application.

If we are unable to register your application because it is incomplete or invalid in any way we will notify you within **5 working days** to explain what needs to be done to complete registration.

If you use an agent then all correspondence and negotiations will be directly with them.

Complete applications will be registered and their receipt acknowledged within **3 working days**. At this time you will be notified of the name of the Case Officer dealing with your application.

If at the registration stage your proposal is found not to need planning permission, your application will be returned within **5 working days** and the fee refunded (under separate cover).

A weekly list of planning applications received and a monthly list of planning decisions can be viewed on the Council's website.

TYPES OF PLANNING APPLICATIONS

There are two basic types of planning application:

- (A) **Full** planning applications which contain full details of the proposed development, and
- (B) **Outline** planning applications which seek to establish the principles but reserve the detail for a later stage.

Reserved matters applications are not planning applications in their own right but relate to matters submitted which were previously reserved under an outline application.

Householder applications are full applications for use by an owner/occupier for works to his/her house or development within the garden. The forms are simplified for ease of use.

N.B. Applications for change of use are always 'full' applications.

Please note that Planning Application and Householder Planning Application forms can be downloaded off the website.

If you are in any doubt about which form to use, you can contact the Planning Officers prior to making the application for assistance.

In addition to planning applications, we also process a large number of other applications covering:

- Listed Building Consent
- Conservation Area Consent
- Display of Advertisements
- Certificates of Lawfulness For an Existing or Proposed Use or Development
- Farming and Forestry Notifications
- Demolition Notifications
- Hazardous Substances
- Telecommunication Notifications
- Works to trees protected by a Tree Preservation Order
- Works to trees in Conservation Areas
- Hedgerow Notifications

DEALING WITH AN APPLICATION

Applications are given to Case Officers to deal with. You (or your agent) will be notified of the Case Officer dealing with your application on notification of receipt of the application.

- The Case Officer normally visits the site within **10 working days** of receipt of the application.
- Appointments will be made where necessary if access is required to the site.
- Following the visit you (or your agent) may be contacted if there are any matters which need further clarification or to discuss or any amendments needed to make the proposal more acceptable.

It is the Council's practice to discuss difficulties and to negotiate, where possible, towards an acceptable scheme rather than refusing an application which could be approved with sensible minor amendments. Your co-operation is sought in amending plans in a timely manner in order not to delay the processing of your application.

Some applications fail in principle and in such cases Officers may endeavour to explain this before a decision is reached.

The Council is required to determine householder and minor applications within 8 weeks of registration and an extension to this period will only be sought or agreed to where there are good reasons for doing so and your co-operation is essential in ensuring that delays are kept to a minimum.

CONSULTATION AND NOTIFICATION

When a valid application is received and registered, the Council has to carry out certain formal consultations, for example with the Parish Council or Highway Authority. The Council also notifies interested parties and neighbours in accordance with Government Guidelines and our own adopted practices (Development Control Practice Note No. 3). This is done either in writing or by displaying a site notice, or both. Major applications are also advertised in the Kidderminster Shuttle.

- People advised in writing of an application affecting them will be given advice on how to comment and what are possible relevant grounds of objection.
- 21 days are provided to allow you to comment upon an application.

- Details of all current planning applications can be inspected on line and at the Hub (8.30 a.m. to 5.00 p.m. Mon to Fri, 10.00 a.m. – 5.00 p.m. Wed). Planning Officers are on hand to assist you and explain the plans to you if required (10.00 a.m. – 4.00 p.m. Mon to Fri). If you wish to speak to the Case Officer you should telephone to arrange an appointment.
- It is our current practice to consult neighbours with a common boundary with the site directly and to use a site notice or further letters to inform others in the area of the proposal as appropriate.
- Anyone is entitled to comment on a planning application whether or not they receive a letter.
- If you are not able to inspect

plans conveniently at Duke House (for example because you are housebound) they can be copied (a charge will be made for this) to allow you to scrutinise them at home. Alternatively plans may be loaned overnight by prior arrangement with the Case Officer.

- Anyone making individual written representations and organisers of petitions will have their letter acknowledged indicating the process for determination either by officers or Councillors and for public speaking where appropriate.
- In 2006 a new scheme of delegation was agreed which sets out our new practices. This can be made available on request. Under this new scheme decision making may be delegated to officers even though objections have been received.
- Applications are always

decided by the Planning (Development Control) Committee for major and controversial applications. Committee agendas are available on line or from the Hub **5 working days** before the day of Committee.

- Anyone submitting an objection will be informed of the planning decision within **10 working days** of the decision notice being issued.
- After a decision has been made, the Officer's report and all representations received are held on file and are available for inspection during normal office hours. You are advised to make an appointment to view the file either at the Hub or at Duke House. A charge for copying will be made.
- Any comments made on an application will be open to

public inspection **5 working days** prior to the date of the Committee meeting.

COMMENTING ON A PLANNING APPLICATION

Local views are invaluable and help the Council to consider planning applications.

Your comments should be received within 21 days of being notified of the development or the date shown on the site notice. If you have difficulty meeting this deadline please advise the Case Officer.

A Planning Officer is available at the Hub (10.00 a.m. - 4.00 p.m. Mon to Fri) to help you to inspect plans and to make constructive comments upon an application. Planning Officers are impartial professionals and cannot take sides!

The planning decision or Officer recommendation to the Committee will always be based on the individual planning merits of the application.

To make your views count you should clearly set out your concerns in writing or by e-mail relating them to matters relevant to a planning decision.

A planning application comment form is available on the Council's website: www.wyreforestdc.gov.uk

There is also the opportunity for your local Parish Council representative to speak at Committee to highlight local issues and concerns if they register to speak within 21 days of the date when the application was validated.

As of September 2003 members of the public have the opportunity to put their views on a planning proposal direct to Councillors at the Committee meeting. For more information see leaflet entitled 'Public Speaking at Planning (Development Control) Committee'. This explains who can speak, how to register before the deadline and the order of speaking. A more detailed explanation of the arrangements can be found in the Council's Development Control Practice Note No. 13 'Public Speaking at Planning (Development Control) Committee'.

For free advice on planning matters, you may also contact Planning Aid. More information about the voluntary service which Planning Aid provides is available on the Royal Town Planning Institute's website: www.rtpi.org.uk

Matters relevant to a Planning Decision

N.B. This list is not exhaustive nor prescriptive, but is intended to help you focus your attention on the important points.

In deciding whether to grant planning permission, the Council must refer to the development plan together with Central Government advice and Guidance. It must also consider all other **material planning considerations** such as:-

- siting, design and external appearance, including the size, shape and proportion of a building and its appropriateness to the locality;

- the effect of the proposal upon neighbouring property, i.e. loss of amenity or privacy;
- the appropriateness of the use of the building or land in the location;
- the effect on the landscape or setting of Listed Buildings or Conservation Areas;
- the provision of landscaping and protection of trees and natural features;
- site stability or flooding liability and drainage, highway safety, means of access and parking.

Matters not relevant to a Planning Decision

These matters are not planning considerations and cannot be taken into account in deciding planning applications:-

- matters controlled by other legislation including public health, the quantity or quality of water supply;
- effects on private rights; provisions in deeds or other covenants;
- values of neighbouring properties;
- retention or protection of a view;
- competition between individual businesses;
- personal situation, health or finances of the owner, occupant, applicant or developer;

- ownership of the land or buildings, moral issues, e.g. in relation to public houses, amusement arcades or betting shops etc.

THE PLANNING DECISION

The Council publishes its performance targets for dealing with planning applications and how well it has done every year.

The Council aims:

- **to regularly process 65% of all major planning applications within 13 weeks;**
- **to regularly process 80% of minor applications within 8 weeks;**
- **to regularly process 90% of other applications (which includes householder applications) within 8 weeks.**

The Council relies on others, including applicants and Parish Councils, to constantly deal with applications speedily.

The Council is committed to reaching a well informed decision and will seek to negotiate towards approvals where minor amendments would make this possible rather than issuing 'poor' decisions quickly.

Approximately 80% of all planning applications are dealt with by the Head of Planning, Health and Environment through the Development Control Manager under powers delegated to him by the Committee.

Major and contentious proposals are decided by the Committee.

Having reached a decision upon an application the Council can:

- (1) grant planning consent without conditions,**
- (2) grant planning consent with conditions,**
- (3) refuse planning permission,**
- (4) approve reserved matters (matters relating to a previous outline consent).**

In certain circumstances temporary or personal permissions may be granted or the consent may be subject to a Planning Obligation - often called a Section 106 Agreement. The Council has a Supplementary Planning Document on Planning Obligations which was adopted in 2007 and a separate Practice Note on how it deals with Planning Obligations (Development Control Practice Note No. 9). Both are available to view on the website.

Full planning permission lasts for **3 years**. Work started to implement the consent within this time should be notified to the Planning, Health and Environment Division. You should check whether you also need Building Regulations approval before doing so. You can make an application for Building Regulations approval to the Planning, Health and Environment Division.

An outline consent lasts for **3 years**. The last of the reserved matters has to be submitted for approval no later than **3 years** from the date the outline permission was granted. The development must be begun within **3 years** of

the outline approval (or within **2 years** of the date of approval of the last reserved matters whichever is the later) if it is not to run out.

Where changes cannot be made to an application to make it acceptable, either by an amendment or submitting a revised application, it will be refused.

Where an application is refused clear reasons will be given.

If your application is refused you have 6 months from refusal (8 weeks for the display of an advertisement; 28 days for works to a tree which is subject to a Tree Preservation Order) in which to appeal to the Secretary of State. You may also appeal against a planning condition which you consider is unreasonable.

There are 3 types of procedures for determining an appeal:-

- (1) Written Representations**
- (2) An Informal Hearing**
- (3) A Public Inquiry**

The majority of appeals are dealt with by written exchanges between the appellant and the Local Planning Authority.

In all cases an Inspector is appointed to determine the appeal and will hold a site visit as necessary and reach a decision on the appeal.

Further information on appeals can be found on the Council's website and in the **free** booklets 'Making your planning appeal' and 'Guide to taking part in planning appeals' published by the Planning Inspectorate which are available in reception at the Hub.

Further information on the appeal process may also be obtained from the Planning Inspectorate's website at www.planning-inspectorate.gov.uk

Before submitting your appeal, you are advised to speak with the Case Officer to see if there is any common ground or room for compromise. You may also wish to seek independent professional advice.

DEVELOPMENT MONITORING

Wyre Forest District Council is committed to improving the quality of the built environment and preserving and enhancing the countryside.

There are many controls which seek to achieve this in a way which still allows people freedom of choice in making changes to their own properties.

Most development which takes place is either permitted without the need for specific approval, or benefits from planning permission. Planning permission is only given after the procedures explained earlier have been undertaken.

However, inevitably some development takes place without the prior and proper benefit of permission. This is often seen as unfair by neighbours and may well have a harmful effect upon you or your neighbourhood.

It also may not comply with other Regulations such as Health and Safety or tenancy agreements.

Once planning permission has been granted, it can only be carried out in accordance with the approved plans and the planning conditions. To do otherwise or to undertake development without planning permission is a 'breach of planning control'.

The Council is committed to investigate possible breaches of planning control and unauthorised development. We seek your help in bringing matters which concern you to our attention.

Where, on investigation, it is found that your complaint is not a planning matter it will be quickly passed on to the relevant authority. All complaints relating to breaches of planning will be dealt with in accordance with the Council's Proactive Enforcement Policy. A free leaflet is available from the Hub which provides advice on how to notify us of your concerns. You can also submit an enforcement complaint via the website.

All complaints will be:

- **treated in confidence**
- **treated fairly**
- **acknowledged within 5 days**
- **answered, at least provisionally, within 15 days and the outcome of any action will be explained to you.**

It is an applicant's responsibility to ensure that development is carried out in accordance with approved plans and that amendments are agreed **before** they take place.

The Council has a separate Practice Note on dealing with amendments to planning permissions which have been granted (Development Control Practice Note No. 3).

Major changes require a fresh application. If this is submitted within 12 months of the original decision, the applicant can submit a 'free go' application without paying another application fee.

Revised applications are subject to the same consultation and notification arrangements as the original application.

Minor changes can be dealt with by the Development Control Manager without the need for a fresh application. Minor changes will be subject to reconsultation/ notification in accordance with agreed practices at the discretion of the Development Control Manager as appropriate. If objections are received as a result of this process the matter will only be decided by Members of the Planning (Development Control) Committee where objectors have indicated their wish to speak within the correct timescale. If refused, a fresh application will be necessary **before** works continue.

ENFORCEMENT

If someone carries out development without planning permission, or not in accordance with approved plans then this is considered to be a 'breach of planning control'. Carrying out unauthorised works to a Listed Building or to display an advertisement is a criminal offence. However, other work carried out without planning permission is not a criminal offence but it does expose the owner of the land to possible **Enforcement Action**.

When a breach of planning control is reported to the Local Planning Authority, or otherwise discovered, it is investigated and if it cannot be resolved a report is made to the Planning (Enforcement) Committee. The Committee can either:-

- resolve to take no further action if the development is acceptable and would have been given planning permission if an application had been made, or

- it can decide on Enforcement Action.

There is a right of appeal against an **Enforcement Notice** within one month of the service of that notice.

If there are planning conditions which are not being complied with the Planning (Enforcement) Committee can also resolve to serve a '**Breach of Condition Notice**'. There is no right of appeal against such a notice and the matter goes to the Magistrates Court, where fines can be imposed.

In order to ascertain all the facts and interested parties to a breach of planning control the Council can serve a '**Planning Contravention Notice**' to request this information. Failure to provide such information is also a matter for the Magistrates and there are fines for not replying or for giving false or misleading information.

It should be stressed that enforcement action is taken as a last resort, and **only** after negotiations have failed.

Nevertheless it is an essential part of the development control process for it ensures that everyone is treated evenly and fairly in the interests of the wider community. A copy of the Council's Proactive Enforcement Policy is available on line and from the Development Control Manager on request. Further information about enforcement procedures can be found on the Council's website.

If you wish to report a suspected Breach of Planning Control you can do this in writing, by telephone or by Email (as long as you give us your home address).

Your comments will be treated in confidence.

Anonymous complaints will **not** be dealt with.

COMPLAINTS

Where anyone feels that they have been treated unfairly by the Local Planning Authority or that the Local Planning Authority has acted improperly then they can make a complaint to the 'Local Government Ombudsman'.

In his/her investigation they will ask whether you have tried to resolve the complaint directly with the Council. You are therefore advised to follow the Council's own complaints procedure **before** writing to the Ombudsman. (Leaflets describing the Council's complaints procedure are available from any of the Wyre Forest District Council Offices).

If the Ombudsman decides that there is a case to answer he/she will undertake a thorough investigation of all matters relating to the complaint. Ultimately they may find that 'no maladministration' has occurred or that the Council is guilty of 'maladministration' either with or without injustice to the complainant.

The Ombudsman may suggest remedies where 'maladministration' has occurred but you should note that in doing so he/she cannot enforce these and cannot question the policies of the Council nor the final decision the Council reached.

The address of the Ombudsman is:-

The Local Government
Ombudsman
The Oaks No. 2
Westwood Way
Westwood Business Park
Coventry CV4 8JB

Tel. 0247 6820000
Fax 0247 6820001
Advice Line: 0845 6021983
Email: enquiries.coventry@lgo.org.uk

FURTHER INFORMATION

The Development Control Section including Enforcement is one of 6 sections within the Planning, Health and Environment Division. The other Sections are:-

- Building Control
- Forward Planning
- Housing Services
- Environmental Health
- Licensing

Development Control Section
key names and contacts:

Clare Eynon
Development Control Manager
01562 732515

Julia Mellor
Principal Development Control
Officer
01562 732517

Paul Wrigglesworth
Senior Development Control
Officer
01562 732523

Paul Round
Senior Development Control
Officer
01562 732516

Chris Mansfield
Enforcement and Implementations
Officer
01562 732522

Brian McMillan
Enforcement and Implementations
Officer
01562 732558

Janet Welch
Monitoring and Compliance Officer
01562 732530

Wayne Brewer
Arboricultural Officer
01562 732548

Simon Roper-Pressdee
Conservation Officer
01562 732536

Email: www.wyreforestdc.gov.uk

Other Key names and contacts:

- Walter Delin
Chief Executive
01562 732700

- Mike Parker
Head of Planning, Health
and Environment
01562 732500
- Noel Holdstock
Forward Planning
Manager
01562 732550
- Bob Burns
Support Services
Manager
01562 732502
- John Moss
Building Control
Manager
01562 732528
- Tim Rice
Housing Services Manager
01562 732560
- Mark Kay
Environmental Health and
Licensing Manager
01562 732580
- Planning Registration
01562 732510

- General Planning Enquiry (Forward Planning)
01562 732520
- Christine May
Principal Committee Officer
01562 732729

Development Control Practice
Notes:

1. Public Access to Planning Files and Information
2. Officer Site Visits, Meetings and Good Housekeeping
3. Publicity and Consultation on Planning Applications and Amendments
4. The Registration and Validation of Planning Applications
5. Dealing with Trees and Hedgerows
6. Charging for Planning Advice and Enquiries
7. Dealing with Pre-Application Enquiries

8. Dealing with Departure Applications
9. Dealing with Planning Obligations
10. Protocol on Parish Representations at Planning (Development Control) Committee
11. The Provision of Affordable Housing – A Guide for Officers and Developers
12. Protocol for Planning (Development Control) Committee Site Visits
13. Public Speaking at Planning (Development Control) Committee
14. Protocol on Consideration of Delegated Planning Applications by Ward Members (withdrawn as of 5/6/06)
15. The Development Team Approach for Major Applications
16. Dealing with High Hedge complaints

17. Guidance for Developers submitting major planning applications
18. Guidance for producing Design and Access Statements

All of the Practice Notes are available on the Council's website:
www.wyreforestdc.gov.uk