

November 2006

General Notes

These Guidance Notes are designed to help you complete your planning application forms. Please read these notes carefully before completing the forms.

Any errors or omissions will result in your application being returned as invalid.

The information which needs to be submitted with an application for planning permission can vary greatly, depending on the circumstances of the case. The overall aim, however, is always the same: to enable the planning authority to make an informed decision on your application.

If you require further information or advice please contact the Development Management Section of the Environment, Economy & Culture Directorate.

APPLICANTS ARE REQUESTED TO SUBMIT EIGHT COPIES OF THE APPLICATION FORM TOGETHER WITH EIGHT COPIES OF EACH OF THE PLANS AND ANY OTHER MATERIAL (SUPPORTING STATEMENT, ENVIRONMENTAL STATEMENTS ETC) TO THE COUNTY COUNCIL. HOWEVER, TO ASSIST THE CONSULTATION PROCESS, ADDITIONAL COPIES OF THE FORM AND SUPPORTING INFORMATION MAY BE REQUESTED.

Pre Application Discussions

The Council encourages pre-application discussions before a formal planning application is submitted in order to guide applicants through the process. This is particularly useful for larger and more complex schemes and can help applicants by identifying the information and details that should be submitted with their application. This can minimise delays later in processing the application.

What Happens Next?

If your application is valid (i.e. it contains all the relevant forms, plans, drawings, certificates and the appropriate fee) it will be processed and you will be sent an acknowledgement letter. This will notify you of the Planning Officer who is dealing with your application.

The law requires that the forms you have submitted must be put onto public "register of applications" and your plans/drawings, forms and any correspondence must be available for viewing by any member of the public.

Enquiries

Devon County Council will try to give you a decision on your application within **eight weeks**. If you have any queries, then please contact Development Management Section of the Environment, Economy & Culture Directorate. Translations of this guidance and the forms can be obtained through the Council.

Neighbours

The Council will consult your neighbours in most circumstances and will post a site notice. Planning applications will be advertised in the Western Morning News on Thursdays. It is our experience that it is often better to tell your neighbours prior to submitting the application rather than letting the Council's official letter of notification or site advertisement bring the application to their attention for the first time. This can often avoid disagreement and delay at a later stage.

Your neighbours have the right to make representations on your application to the Council and these will be taken into account.

Building Regulations

You may also require Building Regulation Approval in addition to planning permission. Building works usually have to be checked for compliance with Building Regulations to make sure the building will be safe and habitable. You should contact the relevant **District Council** for advice on the Building Regulations.

Note 1: Applicant (Question 1)

Enter the applicant's name, full postal address and a daytime telephone number. If you would prefer to be contacted by e-mail please state your e-mail address.

Note 2: Agent (Question 2)

If the application is being submitted by an agent (i.e. someone who is acting on the applicant's behalf) please enter the name and full postal address, together with a daytime telephone number.

If the agent is a firm or partnership, please give a contact name and a daytime telephone number.

Please remember that if this box is completed all correspondence, including the Notice of Decision, will be sent to the agent.

Note 3: Address of the Application site (Question 3)

Please enter the address of the application site including the house number and / or name (if appropriate), street name, town / village and full postcode. If the application relates to open ground describe its location as clearly as possible, for example, '*Land to rear of 12 to 18 High Street*'.

Note 4: Site Details (Question 4)

Please provide site area in hectares or m². This area should relate to the area within the red line site boundary, not the total area of land ownership. The fee is costed on the size of the area bounded in red so it is important that the area specified on accompanying plans is correct.

Note 5: Interest in the Land (Question 5)

Please specify the applicant's interest in the site.

Note 6: Application Type (Question 6)

Tick all relevant boxes on the application form. If you are unsure as to which category your application falls please contact the Development Management Section of the Environment, Economy & Culture Directorate to seek clarification.

Some minor works may be classified as “permitted development” and do not need planning permission.

You should check with the County Council that your proposal requires planning permission, before completing these forms.

- ***Full Planning Permission***

Tick box if you are applying for ‘full’ planning permission, this includes extensions and alterations to commercial/industrial premises or schools; new buildings and the stationing of temporary classrooms.

- ***Minerals or Waste applications***

This box should be ticked for the following types of application:

- Full planning permission for mineral workings;
- Full planning permission for waste;
- Renewal of an unimplemented permission;
- Renewal of a temporary permission;
- Extension to an existing site;
- Variation of condition(s) to an existing minerals or waste planning permission.

**If you are applying for Minerals Development you must also complete form M1.
If you are applying for Waste Development you must also complete form W1.**

- ***Demolition in a Conservation Area***

An application for **Conservation Area Consent** is necessary if you wish to demolish all or virtually all of a non-listed building or structure within a conservation area. There are exceptions to this, so if you are in doubt please contact the Development Management Section of the Environment, Economy & Culture Directorate.

If you are applying for Conservation Area Consent you must also complete form LB1.

- ***Works to a listed building***

An application for **Listed Building Consent** is necessary if you propose to alter, extend or demolish the whole or part of a listed building in a manner, which would affect its character as a building of special architectural or historic interest. This usually includes work to the interior of the property as well as to the exterior. It is always best to contact the Development Management Section of the Environment, Economy & Culture Directorate at an early stage to establish if consent is required. It is a criminal offence to alter or demolish a listed building without first obtaining listed building consent and the penalty can be a fine of unlimited amount or up to twelve months imprisonment or both.

If you are applying for Listed Building Consent you must also complete Form LB1.

- **Certificates of Lawfulness**

The planning system provides the possibility of obtaining a statutory document confirming that an existing/proposed use, operation or activity of a building or site named in it is lawful for planning control purposes. The planning merits of the use, operation or activity in the application are not relevant. The issue of a certificate depends entirely on factual evidence about the history and planning status of the building or other land and the interpretation of any relevant planning law or judicial authority. The onus is on the applicant to provide evidence to support the application.

- **Outline Application**

Tick this box if you are proposing to erect buildings but do not wish to submit all the details at present, and would like to 'reserve' some or all of the details for future consideration. Please give as much information as you are able. This method of application can be used where it is not certain whether the proposal is going to be acceptable in principle and the effort of preparing detailed plans is not justified. Please note that outline applications are not suitable for development within a Conservation Area. It is not possible to make outline applications for changes of use, or for engineering or mining operations.

- **Application for Approval of Reserved Matters.**

Reserved matters applications are those, which deal with further detailed information after outline permission has been granted. Reference should be made to the outline planning application reference number and date of the decision notice.

- **Renewal of temporary or previous planning permission**

Tick the box if you are seeking to extend the time limit of a previous permission or just wish to renew a permission that has not yet been implemented. The previous permission must still be valid.

You should ideally submit the application for renewal well before the existing permission expires.

Enter the reference number of the previous permission you are renewing in the space provided.

- **Removal of condition**

Tick the box if you propose to remove a condition that has been attached to a planning permission. Enter the reference number of the previous permission and number of the condition(s) in the spaces provided.

- **Variation of Condition**

Tick the box if you propose to alter a condition that has been attached to a planning permission. Enter the reference number of the previous permission and number of the condition(s) in the spaces provided.

Note 7: Description of Proposed Development (Question 7)

Please describe the proposal accurately and concisely. State the number of buildings, the number of storeys proposed and the approximate position of any extensions, for example:

- Erection of a single storey extension at the rear, demolition of existing outhouse
- Changes of use from offices to school use
- Recycling of aggregates for resale at existing landfill site.

Note 8: Retrospective Applications (Question 7.1)

Please confirm if the planning application is for use of the land or works that have already commenced. If the application is for such development please provide details of when the use or works commenced and if the works have been completed, the date on which they were completed.

Note 9: Existing use of land or building (Question 8)

Please state the current or last known use of the land or building.

Note 10: Plans (Question 9)

All applications **must** include a location plan based on an up-to-date Ordnance Survey Map at a scale of 1:1250 or 1:2500 (or larger), showing at least two named roads and surrounding buildings. The properties shown should be numbered or named to ensure that the exact location of the application site is clear.

The application site must be edged clearly with a **red** line. It should include all land necessary to carry out the proposed development – for example, land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings.

A **blue** line must be drawn around any other land owned by the applicant, close to or adjoining the application site. An up-to-date Ordnance Survey Map for this purpose can be purchased from the appropriate District Council or authorised agents.

All plans must be in metric measurements.

Note 11: Assistance from a planning officer (Question 10)

If you have received pre-application advice from a planning officer please provide details. This will assist the Council in dealing with your application as quickly as possible.

Note 12: Previous applications (Question 11)

If you have previously applied for planning permission for the same type of development on the application site please tick the YES box. If your answer is yes, please provide the planning application reference number and date. If you have not previously made an application for the same type of development on the application site please tick the NO box.

Note 13: Declaration (Question 12)

The declaration must be signed and dated to enable the planning application to be processed.

If you are making an application for listed building consent you may have committed an offence if the information given in this form is false or misleading.

Note 14: Fees (Question 12)

The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 2002 set out the applicable planning application fees.

Please refer to the Fees Guidance Note, at http://www.devon.gov.uk/guidance_fees.pdf. If you are in doubt as to the correct fee, please contact the Development Management Section.

Note 15: Agricultural Holdings

This certificate must be completed for all applications. If the application area does not form part of an agricultural holding tick the first box, and sign in the box provided. If the application site forms an agricultural holding or part of an agricultural holding as defined by the Agricultural Holdings Act 1986 and comprises land subject to an Agricultural Tenancy please tick the second box, and sign in the space provided. All agricultural tenants must be notified prior to the submission of the application, please fill in the details of tenants or landowners notified on part II of the certificate.

Note 16: Ownership Certificates

Under Article 7 of the Town and Country Planning (General Development Procedure) Order 1995, the local planning authority cannot consider an application for planning permission unless it is accompanied by completed certificates. All applications **except** for approval of reserved matters, renewal of temporary planning permission, discharge or variation of conditions must include the appropriate certificate of ownership.

An ownership certificate must be completed stating the ownership of the property. Certificates A, B, C and D are listed. For this purpose an 'owner' is anyone with a freehold interest, or leasehold interest the unexpired term of which is not less than 7 years.

- Complete **Certificate A** if you are the sole owner of the property. You can only sign this certificate if the applicant is the freeholder and there are no leaseholders with 7 years or more remaining on their leases. If the application involves a leasehold flat, you are required to notify the freeholder and all other leaseholders with leases in excess of 7 years that relate to the application site.
- Complete **Certificate B** if you are not the sole owner but know the names and addresses of all the other owners.
- Complete **Certificate C** if you do not own all of the land to which the application relates and do not know the name and address of all of the owners.
- Complete **Certificate D** if you do not own all of the land to which the application relates and have not been able to find out who owns it.

In addition the "Notice to owner" (Notice number one) must be completed and sent to all known owners (applies where Certificate B is signed). Where the owner is unknown the notice needs to be published in a local newspaper (applies where Certificates C or D are signed). A copy of the notice must be sent with the application.

Note 17: Notice Number 1

This notice should be used if Certificate B has been completed (See Note 16 above). A copy should be served on each of the individuals identified by Certificate B.