



## **DEVELOPMENT CONTROL CHARTER**

### **1 Introduction**

- 1.1 The New Forest National Park Authority assumed its full planning functions on 1 April 2006. The Park Authority is the local planning authority responsible for producing plans and deciding planning applications within the boundary of the New Forest National Park.
- 1.2 This Charter explains the way in which the Authority's development control service works and sets the targets the Authority will aim to meet.
- 1.3 The National Park Authority expects to deal with approximately 1600 planning applications a year. These include:
  - Planning applications
  - Applications for listed building consent
  - Applications for advertisement consent
  - Applications for works to trees protected by Tree Preservation Orders
  - Applications for works to trees in conservation areas
  - Applications for mineral extraction
  - Applications for waste disposal facilities.
- 1.4 The Authority also deals with notifications under the provisions of the Town and Country Planning (General Permitted Development) Order 1995.

### **2 The Development Control Process**

- 2.1 Development Control is that part of the Town and Country Planning system which regulates the development and use of land. It enables the Authority to assess proposed developments in relation to national and local planning policies, taking account of other relevant factors including the impact of proposals on the National Park.
- 2.2 The process and timescales for dealing with planning applications are set out in national planning legislation and guidance. These require all local planning authorities to determine planning applications in

accordance with the relevant planning policies (unless there are exceptional overriding circumstances). Development Control involves:

- offering informal advice to people on whether planning permission is required for a development or whether planning permission is likely to be granted;
- the processing of formally submitted applications;
- the monitoring of new development to ensure that the approved plans are complied with;
- the investigation of apparent breaches of planning control and taking enforcement action where necessary;
- the handling of appeals to the Secretary of State where the Authority has refused an application for planning permission.

2.3 The Authority through the Development Control system, seeks to achieve good quality development in the most acceptable location. In doing so, the Authority must balance the personal needs of the applicant against the potential impact of a proposed development on the special qualities and landscape character of the National Park.

### **3 Planning and pre-application advice**

3.1 Discussions with prospective applicants are positively encouraged by the Authority before an application is submitted. This helps the applicant to submit all the required information to enable the Authority to deal with the application as efficiently as possible.

3.2 Planning officers are available between 8.45am to 13.00pm Monday to Friday) at Lymington Town Hall, Avenue Road, Lymington, SO40 9ZG to provide general planning advice and information including:

- advice on the need for planning permission;
- explaining the relevant planning policies;
- advice on how to make a planning application; and
- advice on common planning procedures.

3.3 Applicants can also telephone 01590 646615 (between 8.45am and 13.00pm Monday to Friday) or write to the office (Lymington Town Hall, Avenue Road, Lymington, SO40 9ZG) or email their enquiries to [dev.control@newforestnpa.gov.uk](mailto:dev.control@newforestnpa.gov.uk). All written pre-application enquires (including those received by email) will be acknowledged in writing.

3.4 For applicants who wish to discuss a specific site proposal before making a planning application, it is normally always best to arrange a meeting with a planning officer by prior appointment. This will allow the planning officer to undertake any preparatory work that might be necessary which in turn will help the Authority to provide applicants with better informed pre-application advice including:

- an explanation of the Authority's planning policies and guidance in relation to the proposed scheme;
- the likelihood of planning permission being granted; and
- potential problems with a proposed scheme and how they might be overcome.

3.5 If necessary the planning officer will write to confirm the advice given at the pre-application stage, normally within 15 working days of the meeting. All advice given will be based on an objective assessment of the information provided but will be given without prejudice to any final decision the Authority might take in the matter.

#### **4 Submitting a planning application**

4.1 Planning application forms and guidance notes can be obtained by contacting the Development Control section at Lymington Town Hall (telephone 01590 646615 between 8.45am and 13.00pm Monday to Friday) or by visiting the Authority's website [www.newforestnpa.gov.uk](http://www.newforestnpa.gov.uk) The Authority is also able to accept planning applications made on line via the Planning Portal [www.planningportal.co.uk](http://www.planningportal.co.uk)

4.2 Within three working days of receipt, valid applications will be acknowledged in writing, giving the case officer's name and contact details and setting out an applicant's statutory rights and the time limits for determination (normally eight weeks from receipt of a valid application).

4.3 Each application will be:

- entered on the statutory public register;
- scanned onto the Authority's website;
- placed on the weekly list of new applications posted on the website;
- sent to the Parish/Town Council with a pro-forma for any comments they may wish to make;
- made known to neighbours by the posting of a green site notice, with all immediately adjoining neighbours being notified in writing and given 21 days to make their comments;
- advertised in the local newspapers if required by legislation; and
- sent to statutory and non-statutory bodies and adjoining authorities for consultation purposes.

4.4 Where an application is invalid or an incorrect fee has been submitted, applicants or agents will be notified within three working days of receipt with an explanation of what further information is required. If the necessary information has not been received within 21 working days, the application will be returned and the fee refunded.

## **5 Publicity on planning applications**

- 5.1 All applications will be publicised in accordance with the statutory requirements by notifying immediately adjoining neighbours, displaying a green site notice and by a notice in the local newspaper where necessary. A period of 21 days from the date of the letter or notice will be allowed for comments to be submitted which should be in writing or by email. Any significant amendments received will require a further period of notification, generally 21 days.
- 5.2 Copies of the application form and plans are available for inspection at Lymington Town Hall and can be viewed on the Authority's website [www.newforestnpa.gov.uk](http://www.newforestnpa.gov.uk). In addition, Parish and Town Councils receive copies of all applications within their area and should be able to let neighbours view them if other sources are inaccessible.
- 5.3 If an application is to be considered at a meeting of the Planning Committee, then those people who have made previous comments will be notified at least five working days before the meeting. They will be advised of the meeting date and time and the public speaking procedures. If they wish to speak on the application they must register to speak at least two working days before the meeting. Details of the public speaking procedure will be available in a separate leaflet and on the website shortly.
- 5.4 In the event of an appeal to the Secretary of State against the refusal of planning permission or the imposition of a condition, anyone who has commented on an application will be notified.

## **6 Determining planning applications**

- 6.1 The government requires all local planning authorities to determine the vast majority of applications (90%) without referral to a Planning Committee under 'delegated powers'. The Authority operates a scheme of delegation where all applications may be determined by the planning officer subject to certain exceptions. Certain categories of applications will be referred to the Planning Committee for determination. These include
- applications referred by Authority Members;
  - applications referred by the locally elected ward Councillor;
  - applications where the Parish/Town Council has expressed a view contrary to the planning officer (and would not accept a decision reached by the planning officer under delegated powers); and
  - applications which are contrary to the Authority's approved policies which are recommended for approval.
- 6.2 The Planning Committee meets on the third Tuesday of every month at Lymington Town Hall. Details of the schedule of meetings are

available on the Authority's website. The Agenda is published five working days before the meeting. The meetings are open to the press and public. People who wish to speak on individual items must register at least two working days before the date of the meeting.

- 6.3 Each application referred to the Planning Committee will have a detailed report prepared by the planning officer which will include an assessment of the proposal, comments of consultees and any representations. Photographs and plans are available to assist Members in their considerations.
- 6.4 The Planning Committee can approve, refuse or in exceptional cases defer an application for further information. Decision notices will be issued within two working days of the Committee. Some applications may require a legal agreement or unilateral undertaking which cannot be entered into until a resolution to permit is taken. In such cases the Authority will discuss the requirements of a legal agreement prior to the application being referred to the Planning Committee.
- 6.5 Decision notices on delegated decisions will be issued on the same day and can be viewed on the Authority's website. Weekly lists of planning decisions, both delegated and committee decisions can be viewed on the Authority's website.

## **7 Monitoring and enforcement**

- 7.1 The Authority has a dedicated Enforcement Team which is responsible for handling complaints alleging a breach of planning control and for monitoring new developments to ensure compliance with approved plans.
- 7.2 All complaints will be treated in confidence and acknowledged in writing within three working days. The enforcement officer will then need to check the relevant planning history, visit the site and determine a suitable course of action. Complainants will be informed of the enforcement officer's initial findings within 15 working days. If a case is urgent (for example, illegal works to a listed building), then a site visit will normally be made on the same day.
- 7.3 Whilst it is the applicant's responsibility to ensure that development is carried out in accordance with the approved plans and any conditions attached to the planning permission, the Authority's Enforcement Team will monitor new development to ensure that development takes place in accordance with the approved plans. In many cases planning permissions are issued with conditions which require further information to be submitted before or during the course of development. The Enforcement Team will follow up any failure to submit information and also visit sites to check work in progress.

7.4 The way in which enforcement cases are handled is substantially influenced by the way in which the legislation is framed. There are four key points which govern the enforcement processes:

- (a) a breach of planning control is not a criminal offence (other than in a few limited circumstances) and so immediate legal action is not usually an option;
- (b) enforcement action can only be taken where it is 'expedient' to do so, which means the Authority cannot take action against a development which would have otherwise been granted planning permission had it been applied for in the normal way;
- (c) all of the government advice urges negotiation to try and resolve enforcement issues, other than in the most serious cases, before formal action is taken. This has implications for the length of time the processes can take; and
- (d) it is open to people to apply for planning permission retrospectively in an attempt to regularise unauthorised development.

7.5 The Authority will therefore consider the various options available before taking action and in some instances may decide that it is not expedient to do so. Sites which are the subject of enforcement proceedings or where action to remedy a breach of control has been agreed will be inspected regularly to ensure compliance. If no further action is to be taken the complainant will receive an explanation of the reasons for this.

## **8 Appeals**

8.1 Applicants can challenge the Authority's planning decisions by making an appeal to the Department for Communities and Local Government (DCLG) through the Planning Inspectorate. Appeals can be lodged against the following:

- refusal of planning permission
- condition/s imposed on a grant of planning permission
- non-determination of an application within the required time limit
- taking formal enforcement action.

8.2 The Authority will send out details of how to appeal with all decision notices and enforcement notices. Appeal forms are available from the Planning Inspectorate.

8.3 The Authority will notify anyone who has made a representation on an application of any subsequent appeal.

## **9 Performance monitoring**

- 9.1 The Authority will set out annual development control performance targets for determining planning applications in its Corporate Plan (Best Value Performance Plan) in accordance with the Government's national Best Value Performance Indicators. These targets will be monitored and reviewed on an annual basis. Where performance fails to meet the defined targets the Authority will identify the reasons and review procedures to improve performance.
- 9.2 The statistical returns to the DCLG will be made available on the Authority's website.

## **10 Complaints procedure**

- 10.1 All complaints relating to the Development Control service will be acknowledged by the Authority within three working days. All complaints will be fully investigated by the Authority and the complainant will receive a written response within 20 working days of receipt of the complaint.
- 10.2 In the first instance, all Development Control complaints should be addressed to:

Steve Avery  
Executive Director (Strategy & Planning)  
New Forest National Park Authority  
Lymington Town Hall  
Avenue Road  
Lymington  
S041 9ZG

- 10.3 If a complainant remains dissatisfied with the written response from the Executive Director (Strategy & Planning), then details will be supplied for pursuing the complaint further through the Authority's officer dealing with complaints in accordance with the Authority's formal corporate complaints procedure. The Authority will always strive to resolve a complaint locally but if this is not possible, then the complainant will be advised on how to pursue the matter further with the Commissioner for Local Administration (the Ombudsman).

## **11 Freedom of Information**

- 11.1 The Freedom of Information Act (the Act) 2000 gives a general right of access to information held by public authorities. The Authority holds much information including information relating to pre-application advice, planning applications and appeals. The presumption will always be in favour of disclosure of such information. This is because it is important for the Authority to promote accountability and transparency in the planning process and to allow individuals to

understand views expressed and the reasons for decisions having been taken.

- 11.2 Where the Authority does refuse a request to disclose information under the Act, a written explanation will be provided setting out the exemptions relied on by the Authority for withholding the information and the relevant appeal procedures.