

PLANNING ADVICE

Commenting on a planning application

Introduction

Development affects us all, so it is important that everyone has the opportunity to know about what is happening in their area and how it may affect them. The planning system exists to make sure that development proposals are acceptable, and important considerations in making these decisions are the views of local residents, businesses and community groups. This advice note sets out how you can get involved in the planning application process.

This document is a guide and is not definitive. Please speak to the Planning Department at Bromsgrove District Council or a legal representative for specific details or any guidance changes,

How can I find out about planning applications?

The District Council (Authority) publicises planning applications through a variety of methods:

Site notice – In most cases a site notice will be displayed at or near to the location of the proposed development. This will state the name of the applicant and the description of development. It will also give a deadline by which to submit comments to the Authority (normally 21 days from the date of the notice);

Newspaper advertisements – Some application types require an advertisement to be placed in a local newspaper paper. Examples include applications that are contrary to planning policies, affect a public right of way, have significant environmental effects, and some proposals that affect a listed building or conservation area.;

Neighbour notification – Letters may be sent to neighbouring properties within 20m of development if the Authority consider they may be affected by a proposal;

Consultees – The Authority will also consult various other organisations, such as Parish Councils & Community Associations, Highways Authorities and any other bodies with an interest in the proposed development. Some Parish Councils will display details of planning applications on their Parish Notice Boards;

Website – The Authority's website contains an online search facility of all applications within Bromsgrove District. This information is updated daily.

How do I find out more about a proposal?

Full details of individual applications can be found via the online search facility on the Authority's website, www.bromsgrove.gov.uk/planning-and-building-control/view-and-comment-on-applications.aspx. You will be able to view the application forms, plans and any other information submitted with the application.

How do I make comments on a proposal?

All comments should be made in writing, either by way of a letter or through e-mail. Comments can also be made directly from the online search facility on the District Council's website.

You should normally make all comments within 21 days of the date of the public notice. The District Council will acknowledge your correspondence and inform you of the outcome of the application.

Please note that any comments you make can be viewed by the applicant and are also publicly available to anyone wishing to view the application file. It will not be possible to consider confidential representations.

What if I have questions about a proposal?

If having viewed the application details you wish to ask further questions about the proposal, you should ask to speak to the Planning Officer who is dealing with the case. The name of the relevant Planning Officer will be stated on any correspondence. Alternatively if your query is more general in nature, the Planning Assistants or Planning Technicians may be able to assist.

What can I comment on?

You must confine your comments to matters that are relevant to planning. These matters are often referred to as 'material considerations' and are factors that can be taken into account when the Authority decide whether to approve or refuse an application. Matters such as design, noise disturbance, loss of privacy, overshadowing/loss of light, overbearing impact, highways/access difficulties and impact on the character of a locality are all examples of material planning considerations.

Case law has consistently found that matters such as impact on private views, property values, commercial competition and personal disputes are not material planning considerations that can be given any weight in making a decision. Similarly, you should avoid commenting on matters that are covered by civil law (eg. boundary disputes) or other legislation.

Examples of Material and Non-Material Planning considerations

Material	Non Material
Design and Visual Impact	The applicant
Privacy/Daylight/Sunlight	Land ownership
Noise/Smell/Pollution	Private Rights
Access/Traffic	Restrictive Covenants
Ecology/Landscape	Property Value
Crime	Competition
Economic Impact	Loss of View
Planning History/Related Decisions	Number of representations received
Cumulative Impact	Changes from a previous scheme
Sustainable materials	
Internal standards	

Please note that objecting to or supporting an application does not necessarily mean that it will be determined in accordance with your wishes. The Authority must weigh up all views and considerations in arriving at a decision.

Delegated decisions

The vast majority of applications are determined under 'delegated powers'. In assessing each application, the Planning Officer will take account of all representations made and will summarise these in his/her report. They will then arrive at a recommendation to approve or refuse the application based on these representations and the policies contained within the Bromsgrove District Local Plan.

Applications that go to Committee

In a minority of cases, planning applications will be referred to Planning Committee for a decision. Circumstances where applications may be referred to Committee include those that are particularly high profile or controversial, or where the Planning Officer's recommendation is contrary to that of a statutory consultee or a Parish Council (where a relevant planning reason has been given).

The Planning Committee is made up of District Councillors, the dates of Planning meetings can be found on the District Council's website www.bromsgrove.gov.uk.

If you have made representations about an application, the Planning Officer will inform you if the application is then to be referred to Committee. You will have the opportunity to address the Committee, provided you inform the Planning officer by required date and time.

Please note that even if you do not wish to speak at Committee, your written objection will still be taken into account by the Planning Officer in arriving at their recommendation. The nature of your objection will be summarised within the officer's Committee Report but will be available in full to all Committee Members in their background papers for the meeting.

Members of the public are welcome to attend Committee meetings.

How will I find out about the Authority's decision?

If you make representations on an application, you will receive a letter/email. The decision notice will list the reasons for refusal or approval, and in the case of approvals, the conditions it is subject to. You can also find out about decisions using the District Council's online search facility or by telephoning the Planning Department.

What happens after the decision?

There is no right of appeal for third parties should you be unhappy with Authority's decision on planning grounds. If you are dissatisfied with the way in which the application was processed or publicised, you may write a letter of complaint to the Head of Planning in the first instance. If you are not satisfied with the Authority's response, you can complain to the Local Government Ombudsman. Please note that it is not the Ombudsman's role to consider the planning merits of a case - they can only consider complaints pertaining to maladministration in the way the application was dealt with.

If the Authority issues a refusal, the applicant may lodge an appeal against the decision. The Government body responsible for dealing with appeals is the Planning Inspectorate. If you have previously made comments on an application that is then the subject of an appeal, you will be told that the appeal has been lodged. The case is then passed to the Planning Inspectorate for determination, and all further enquiries should be directed to them.

If you suspect a development is proceeding contrary to the approved details or any of the conditions attached, you should report this to the Authority's Enforcement Officers.

Contact details

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