



## Types of Planning Applications and Special Cases

Adapted from CPRE's Guide 'Responding to Planning Applications'

### Introduction

This fact sheet is one of a series of four with the aim to explain how to use planning controls to conserve and enhance your local environment, whilst facilitating change to sustain the social and economic wellbeing of communities. The role of the planning system is to reconcile competing demands between economic, social and environmental considerations, in order to achieve sustainable development. Many developments require planning permission from the local planning authority for the area, which usually involves submitting a planning application. You are entitled to comment on these applications. This fact sheet describes the main types of development and planning applications, and special cases that may affect a planning application.

### What types of Development and Planning Applications are there?

Planning applications are required for two broad categories of development:

- (a) proposals for 'operational' development: these are the most frequent type and include new building and engineering operations;
- (b) proposals for change in the use of land or existing building.

Some changes to land and buildings are not classified as development and therefore do not need planning permission. These include agricultural and forestry practices and internal changes to many buildings. Sometimes there are laws, other than planning, controlling these activities.

Some changes count as development but are considered minor and are therefore automatically permitted (to avoid bureaucracy and clogging up the system). These permitted developments include small extensions to most buildings, some demolitions, some temporary use of land and minor developments around buildings. Note that there are special cases when planning permissions are still required for these developments.

Some developments are automatically permitted in principle, but may need prior approval by the local planning authority, before they can be carried out.

Most planning applications are determined by the local planning authority, which is usually your unitary authority. National Park Authorities decide planning applications in their areas.

The application is presented to the Planning Committee which may decide: to approve a full application, to approve outline application, to refuse or to defer.

#### a) Full Application Approval

b) Outline Approval- If the application is approved, the next step is the resolution of "reserved matters. These are possibly conditions or special arrangements. Once these reserved matters are resolved (there is 3 year period for this to happen) the final consent will be given.

It should be noted that within this period action can be taken (Usually by reference to the National Assembly) to prevent the issuing of the consent.

c) Refusal - If the application is refused the applicant has 6 months to register an appeal. (There is no appeal against the granting of an application).

d) Deferral - Applications are deferred either for a site visit or if the planning authority feels that it needs more information in order to determine the application.

In some circumstances planning applications can be delegated to an officer for determination and would not be considered by the planning committee.

## Special Cases

Watch out for the three special types of planning applications described below. A planning application form will state if the application is one of the following:

- Renewal of a temporary planning permission
- Removal or variation of conditions placed on a previous planning permission

## Outline applications.

Commenting on these are especially important. The purpose of an outline application is to establish whether a development is acceptable in principle, before time and money is spent sorting out the details. Where an outline application is permitted, some detailed matters will be reserved for future decision. These will be the only matters left for debate at a later stage, so it is important to get involved in commenting on outline applications while the issues of whether the scheme should proceed at all, and the main practical matters, are still open for discussion.

There are tighter controls over development in specially designated areas.

Special planning rules apply in the following areas:

- National Parks
- Areas of Outstanding Natural Beauty (AONBS)
- Conservation Areas
- Special Areas of Conservation (SACS) Special Protection Areas (SPAS) and Ramsar Sites
- National Nature Reserves (NNRS) and Sites of Special Scientific Interest (SSSIS)

Some Permitted development rights are reduced, and others withdrawn completely, in these designated areas.

Full planning applications are therefore required here for a wider range of developments than elsewhere. In addition, more attention will be given to the standard of the development design. Planning applications can be refused on the grounds of poor design.

## Other Legislation

Some kinds of development need consents under other legislation as well as planning permission. For example, buildings may be listed for their special architectural historic interest, with any proposals to alter or demolish such a building requiring consent under the Listed Buildings Act

1990. The most ecological or historically valuable hedges have a measure of protection under the Hedgerow Regulations 1997. Anyone intending to remove a rural hedge, unless it falls under the exemptions defined within the 1997 Regulations, must notify the local planning authority, which has 42 days to decide whether it qualifies for a hedgerow retention notice.

There are other requirements under Building regulations, for pollution control and to protect Ancient monuments, for instance.

**Ask your local planning authority which controls are exercised under which legislation, if you are in any doubt in a particular case.**

### **Tree Preservation Orders (TPOs)**

Tree Preservation Orders (made under the Town and Country Planning Act 1990), may protect certain individual or groups of trees from damage or felling without the local planning authority's prior consent.

### **Environmental Impact Assessment (EIA)**

Developments likely to have significant effects on the environment are subject to Environmental Impact Assessment (EIA). Environmental Statements must accompany planning applications for such developments. These statements should explain how projects have been devised to have the least possible impact on the environment and must also consider possible alternatives to the development. Planning applications for developments requiring an EIA should be determined within 16 weeks rather than 8.

### **Permitted Development Rights (PDRS)**

Permitted development automatically allows certain small-scale developments, such as extensions within certain limits. In special cases however, the local planning authority can withdraw this benefit, and require that planning applications are submitted for a defined category of development, or for all permitted development within a defined area.

A planning authority has the power to make an Article 4 Direction to curtail permitted development rights in certain cases, for example for agricultural purposes, or the replacement of windows and doors in buildings in Conservation Areas.

### **Prior Approval**

Some developments are subject to a system of prior approval of details. This falls half way between full planning control and permitted development. It gives the local planning authority the chance to control matters such as siting, design and external appearance, though the principle of whether the development should be allowed cannot be questioned. The procedure affects a range of developments relating to farming, forestry and some telecommunication equipment.

**Retrospective Planning Applications Developments** that have already been started or built without authorisation may still be the subject of planning applications. The arrangements for handling these are the same as for any other application. Refusal would almost inevitably be accompanied by enforcement action to remedy the damage already done or remove any building erected without planning permission.