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## **Planning Applications – Having your say**

When we receive a planning application we undertake a period of publicity during which comments on the proposal can be sent to the local planning authority (LPA). We welcome the views of local residents and interest groups whether they are for or against a proposal, as they can bring new factors to our attention and add to the quality of the decision made, although we can only take account of planning matters.

### **How do we publicise an application?**

Anyone can submit comments raising objection, support or comment for an application. You do not need to have been formally notified or live close to a proposed development.

The requirements for publicity are set out in legislation which is summarised here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/consultation-and-pre-decision-matters/table-1-statutory-publicity-requirements-for-planning-and-heritage-applications/>

Further details can be found here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/consultation-and-pre-decision-matters/>

For all planning applications, legislation requires that **either** a written notification be sent to properties that adjoin the application site **or** that a site notice be posted at or near the site. This planning authority notifies adjoining properties and only posts site notices when required to do so. We will also notify those who have previously commented on a proposal when a second or subsequent application of the same type and on the same site is submitted within a reasonable period of time. Discretion will be used to determine the time period.

The letter or site notice will provide you with details of the timescale for submitting comments and accessing the information or you can follow the link included in the next section.

There are separate notification requirements for proposals that are allowed under permitted development rights (whereby planning permission is not needed). These are complex and are not covered in this guide, but summary details can be found here:

<http://planningguidance.planningportal.gov.uk/blog/guidance/when-is-permission-required/what-are-permitted-development-rights/>

### **How do I find the details of a planning application?**

Search on our planning website <http://pa.midkent.gov.uk/online-applications/> to find details of current and historic planning applications. You can search by application number or

address. Under the 'Details' then 'Important Dates' tabs you will find all relevant dates etc. with details about the application being found under the 'Documents' tab.

You are strongly advised to register as a user of the site which will enable you to submit comments on current applications through the website. You will also be able to register an interest in any site, road or defined area whereby you will be automatically informed of any changes or additions made during the determination period for an application or after a decision has been made.

### **How do I object to, support or comment on a planning application?**

All comments must be made in writing – verbal comments cannot be accepted. You can submit your comments:

- Online at <http://pa.midkent.gov.uk/online-applications/>
- Email [planningcomments@midkent.gov.uk](mailto:planningcomments@midkent.gov.uk)
- Write to us at

Mid Kent Planning Support  
Maidstone House  
King Street  
Maidstone  
ME15 6JQ

If you send a comment by email or online, you do not need to send us a copy by post as all comments received carry the same weight.

#### Your comments must:

- Be dated
- Provide your name and address. Anonymous comments will not usually be taken into account
- State the application number and site address

Further information on matters and comments that can be taken into account is provided below under 'What Can You Comment On?' Comments that contain personal, racist, defamatory or derogatory material will not be taken into consideration or published. This also applies to photos that include images of people or any personal details. In extreme circumstances your comment will be returned to you and / or be totally disregarded.

## **Will we publish your personal details?**

Any written comment you make about an application must, by law, be placed on the file (which we make available via the Council's website and include in any other form of the file held). This does not give permission for any re-use of the information, for any purpose. What this means is that:

- Your comment including your name and address will form part of the planning application documents and will be available for public inspection on the website and any other form of application record (currently a paper file).
- We will not publish the following personal information: signatures, phone numbers, email addresses on the website. To help us, please do not include personal telephone numbers and use a printed signature. Business contact details will normally be published.
- We also do not publish medical or commercially sensitive information – before submission please consider the need to supply this information as part of a comment.
- Letters marked confidential (including in the text at the end of emails) will not normally be taken into account as they cannot be made publicly available
- Any comments received will be retained on the public file and will be kept publicly viewable during the appraisal period, after the decision has been made and thereafter

Therefore it may be possible for your name and address to be identified through a search on internet browsers and search functions such as Google and Yahoo.

### Exceptions

In exceptional circumstances we will consider keeping your name and/or address confidential e.g. if a person is officially recorded as being the subject of harassment. If you feel your comment should be kept confidential please write a letter setting out your reasons and marked "confidential" to the Head of Planning who will make a judgement and advise you whether or not submission of a comment without the required personal details is possible.

## **How long do you have to submit your comment?**

The time period for making comments will be set out in the publicity accompanying the planning application or under the 'Important Dates' tab. This will be not less than 21 days, or 14 days where a notice is published in a newspaper.

Once the publicity period has finished the LPA can proceed to determine the planning application. To ensure comments are taken into account it is important to submit them before the statutory deadline. However, in practice all written comments received up until the decision is made will be considered, subject to being relevant to planning matters.

### **Will further publicity take place if an application is altered or amended?**

If an application is amended or altered before a decision is issued there is no statutory requirement for further publicity and consultation to take place. The LPA has discretion to decide when this is necessary. In making this judgement we will consider the following:

- were objections or reservations raised in the original consultation stage substantial or sufficient to justify further publicity?
- are the proposed changes significant?
- do the changes have an impact that is more harmful than the original plans?
- did earlier comments received cover the issues raised by the proposed changes?

If we decide that this is necessary, it is open to us to decide who will be included and the timeframe for responses, balancing the need for publicity against the need for efficient decision making.

### **What happens when I comment on an application?**

Your comments will be added to the file and will be made publicly available (subject to the provisos set out above). To avoid confusion, please note that all comments submitted are viewable under the 'Documents' and not the 'Comments' tab on the planning website.

If you submit a comment through the web site you will receive an automatically generated acknowledgement. If your comment is submitted by any other means it will not be acknowledged.

Due to the large number of responses received it is not possible to respond personally to matters/questions raised. Your comments will be summarised in the officer's report and any significant and relevant matters will be addressed in the appraisal.

### **How do we take account of your comments?**

Most planning applications are decided by planning officers and these are known as delegated decisions. Some decisions are made by our Planning Committee which is made up of elected Council Members. In both cases a report is prepared by the case officer which explains the application, gives a summary of the comments we have received and addresses any material planning matters and policies that apply. As most planning decisions

are about balancing different views, the case officer will take account of the arguments for and against a proposal, before reaching a recommendation. Please remember that the purpose of planning control is to protect the interests of the general public, not the private interests of an individual. For this reason, we cannot be drawn into private neighbour disputes and will not 'take sides'.

If you have commented on an application and the decision is to be made by the Planning Committee we will notify you of the date, time and location of the meeting and provide details about your opportunity to speak at the meeting. Please note that no more than 5 working days notice of the meeting and arrangements can be given.

Details on speaking at a committee meeting can be found here:

<http://archive.swale.gov.uk/assets/Planning-Forms-and-Leaflets/Development-Control/public-speaking-leaflet.pdf>

### **What can you comment on?**

When assessing an application we have a legal duty to consider all material planning matters and relevant planning policies (including national policy, local plan policies and approved Supplementary Planning Document, Development Plan Documents etc.)

All comments we receive about a planning application will be noted, but only planning issues can be taken into account. These include:

- Overshadowing
- Loss of light or privacy.
- Visual appearance
- Parking provision
- Traffic the proposal would generate and effects on highway safetyNoise, smells and disturbance resulting from use
- Loss of trees or other important landscape features
- Design, appearance and materials proposed to be used
- Effect on listed buildings and on the character of a conservation area
- Layout and density of proposed buildings
- Flooding
- Wildlife

Examples of matters we cannot normally take into account

- Matters controlled by Building Regulations or other non-planning laws such as structural stability, fire precautions and environmental health
- Private rights and issues between neighbours, for example disputes over land ownership or boundaries, damage to property, private rights of way, covenants and private agreements
- Loss of value of a property
- Possible problems associated with the building work, for example, hours of work, noise, dust and construction vehicles
- Loss of a view
- Private interests of objectors and competition between rival companies
- Any personal issues or circumstances relating to an applicant or business

### **How can you find out about the decision on the application?**

The target date for making the decision on any application can be found on the website under the tab entitled “important dates”. Please be aware that whilst we aim to determine most applications within the initial target time, this date can be extended or exceeded.

Due to the number of applications we deal with we will **not** notify you when the decision is made or provide individual notification of whether an application is approved or refused. All decisions are supported by the case officer’s report and a decision notice, both of which will be displayed on the Council’s planning website under the ‘Documents’ tab.

### **What happens after a decision has been issued?**

If planning permission is granted there will usually be a three year period for work to start on site or for the change of use to be implemented.

#### Planning Conditions:

Many decisions will include planning conditions which can require the submission of further details or impose limitations. The conditions relating to the decision are set out on the decision notice which can be viewed on the Council’s website. When any additional information that is required by condition is submitted, the details will be available on the website but we will not carry out neighbour consultation unless there are specific grounds to

do so such as when they relate to a listed building. The outcome of decisions on applications relating to conditions will also be available on the website under the 'Documents' tab.

#### Changes to approved plans:

Sometimes an applicant will request that minor changes be made to the approved plans and / or details. Whether we carry out publicity in such circumstances is dependant on the nature of the change. Details of requests made to change a scheme will be displayed on the Council's planning website and once made the decision will also be viewable.

#### **What happens if the decision is appealed?**

In the event that an appeal is made under the "written representation" procedure against a decision to refuse permission for householder, minor commercial or advertisement type applications, all comments received by the LPA before the decision was made will be forwarded to the Planning Inspectorate. If you submitted comments to the LPA or your property adjoins the appeal site we will write to you to advise that an appeal has been submitted but there will be no opportunity to make further representations. You can find the application type under the 'Details' then 'Further Information' tabs.

For appeals for all other application types you are able to submit additional comments to the Planning Inspectorate (or if sent to the Council they will be forwarded to the Inspectorate). As part of the appeal process we are required to write to all those who submitted comments on the application and those adjoining the site, advising of the submission of the appeal, the process to be followed and the timetable for determination.

All details and information relating to appeals are made available on the website under the application number and can be found under the 'Documents' tab.