

## **NOTES FOR GUIDANCE HOW TO APPLY FOR PLANNING PERMISSION**

**These notes have been prepared to help you apply for planning permission. If you need any more help or are unsure if planning permission is required, please contact the staff of the Development Standards Section within the Council's Planning and Transport Division. Please note that a separate application is required for Building Warrants, Listed Building Consent, Conservation Area Consent and Advertisement Consent.**

### **When is a Planning Application Necessary?**

Under the Town and Country Planning (Scotland) Act 1997 (as amended), Angus Council has a duty to control development. This involves finding a balance between the need for change and the wish to protect the environment of the Angus towns, villages and countryside. Angus Council welcomes new development and there is always a reluctance to refuse planning permission. Indeed planning legislation incorporates a presumption in favour of development. As such the merits of each application are considered thoroughly. The process for applying for planning permission changed on 3 August 2009 introducing a number of new requirements which are covered later in this advice note.

Planning permission is required for most forms of development. The term "development" has a legal definition but essentially it includes most activities involving building and engineering works and most changes of use of buildings and land.

There are, however, some minor works which do not require planning permission. For example repairing the woodwork on your house.

In addition, certain types of development, termed "permitted development", have automatic planning permission and therefore do not require an application. Permitted development is defined by The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). This Advice Note does not attempt to list the categories of permitted development but examples include many garden sheds or greenhouses, fences and walls of a certain height, house extensions (depending on size, position and height and whether or not the house has been extended before) and some temporary changes in the use of land.

In some instances permitted development rights may have been taken away by, for example, the imposition of conditions on a previous planning permission for the property. Moreover, if a building or other feature is "listed" as being of historic or architectural interest or is situated within a Conservation Area, permission will often be needed even if the development is otherwise permitted development.

Many buildings connected with agriculture and forestry also benefit from permitted development rights. However, since 1992 new controls have been imposed requiring the Council to be notified in advance of any new building proposed.

In addition, the Town and Country Planning (Use Classes) (Scotland) Order 1997 sets out when the use of buildings or land can be changed without applying for planning permission.

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The regulations are complex and you are advised, therefore, to always check first with Planning & Transport to find out whether or not you need to obtain planning permission. It is always best to put such requests in writing. This would provide you with a response in writing from the Council which can be very useful should you wish to sell your property in the future.

### **How is a Planning Application Made?**

Although not essential, anyone contemplating seeking planning permission is recommended to engage a professional agent to apply on their behalf. They will have the knowledge and expertise not only to ensure the correct information, forms and plans are submitted but will also be able to negotiate on any issues raised by the Planning Authority.

Find out if you need planning permission by contacting a Planning Officer at Planning & Transport Division, County Buildings, Market Street, Forfar, DD8 3LG.

In addition the area Planning Officers are available for consultation at local Development Standards Surgeries held fortnightly at Arbroath, Kirriemuir, Monifieth and Montrose. Details of the locations and times of these surgeries are available on the Council's website or by contacting the Planning and Transport Division.

If you do need permission, collect the application forms and any relevant Advice Notes (forms can be sent to you if you cannot visit the Planning & Transport Division). Alternatively, planning application forms can be downloaded from the [ePlanning Scotland website](#).

You will need to decide what type of application you wish to make and different procedures were introduced on 3 August 2009 which affect what needs to be done depending on the type and scale of development proposed. There are now three categories of planning application:

- (1) **National** – national applications are those applications identified in the National Planning Framework 2. There are currently no projects within Angus defined as 'national' developments.
- (2) **Major** – Major applications are defined in the Hierarchy of Developments (Circular 5/2009) and include:-
  - **Schedule 1 development** – any development falling into Schedule 1 of the Environmental Impact Assessment (Scotland) Regulations 1999;
  - **Housing** – proposals for 50 or more dwellings or where the site exceeds 2HA in area;
  - **Business, industrial and storage/distribution proposals** – where the gross floor space of the building exceeds 10,000sqm or where the site exceeds 2HA in area;
  - **Electricity generation** – where the capacity of the generation is or exceeds 20 megawatts;
  - **Waste Management Facilities** – where the capacity of the facility exceeds 25,000 tonnes per annum (or for facilities for sludge treatment, a capacity to treat more than 50 tonnes per day);
  - **Transport and Infrastructure projects** – where the length of the road, waterway or pipeline exceeds 8 kilometres.
  - **Minerals** – proposals for the extraction of minerals where the site exceeds 2HA.
  - **Other development** – other proposals not falling into the above categories where the gross floor space is or exceeds 5000sqm or the site area exceeds 2HA.
- (3) **Local** – Any proposal which is not major or national falls to be considered as a local development.

**Depending on whether your proposal is 'Major' or 'Local', different procedures for your planning application will apply. If you think your proposal is likely to be 'Major', you should be aware of new procedures**

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**affecting your proposal prior to formal submission of your application. More information on the procedures for 'Major' and 'Local' developments is available in an annex to this advice note and dialogue with Planning Officers is strongly encouraged.**

Annex A – Procedures for planning applications for 'major' developments.

Annex B – Procedures for planning applications for 'local' developments

Annex C – Requirements for applications for Approval of Matters Specified in Conditions attached to a planning permission in principle

## **PLANNING APPLICATIONS – THE DIFFERENT TYPES OF APPLICATION**

Once you have identified what scale of application your proposal falls into, you will need to consider what type of planning application you wish to submit.

Applications usually fall within the following categories:-

(i) **Planning Permission in Principle:** the purpose of such an application is to establish whether the principle of developing a piece of land is acceptable without becoming involved in the expense of preparing detailed plans and is particularly recommended if the proposal is likely to be contentious. This type of application is similar to what used to be known as 'Outline Planning Permission'. Usually the provision of a location plan, site plan and identification of the access point(s) is sufficient for an application for planning permission in principle. However, the planning officer can request more detailed plans and other information if considered necessary in deciding the application. This type of application is not appropriate if you are proposing to change the use of land or a building, make alterations to a building or for proposals in Conservation Areas or which affect listed buildings.

Planning permission in principle alone does not give you a right to go ahead with the proposal and conditions will be attached setting out what further details are required to be approved by way of further application (known as Applications for approval of matters specified in conditions).

(ii) **Approval of Matters Specified in Conditions:** this type of application refers to the submission of details (usually within three years) required by conditions imposed on the granting of planning permission in principle. This type of application is similar to what used to be known as 'Reserved Matters'.

(iii) **Planning permission (full):** this type of application provides for the submission of all the details of the proposal in one stage. Most minor applications, such as extensions, are the subject of full planning applications. Planning permission is now valid for three years. The plans submitted must be sufficient to show the intended development clearly and accurately. Again the planning officer may request additional drawings or information.

(iv) An application for planning permission (full) is required for a change of use, however, the requirement to prepare plans can be reduced necessitating only the provision of a location plan and a larger scale site plan but in some cases internal layout plans and other information may also be required.

Listed Building Consent or Conservation Area Consent: will probably be required if your application involves a listed building or demolition of a structure in a Conservation Area. This may be in addition to full planning permission but no

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additional fee is involved. If it is in addition to a full planning permission, the same application form can be used.

## WHAT INFORMATION IS REQUIRED FOR AN APPLICATION?

- In all cases, **two copies of the application forms** are required.
- Complete the forms carefully (please ask for assistance if required) giving full details of your proposal.
- Remember to accurately and clearly complete the section of the application forms on **land ownership**.
- Remember to **sign and date** the forms.
- Have an Architect or competent draughts person prepare the necessary drawings. **Four copies of relevant drawings** are required, unless otherwise indicated.

All applications should be accompanied by a **location plan** and almost all will require a **site plan**. These plans should identify the **application site in red** and any **other land owned by the applicant in blue**. The application site (red line) should generally be the property boundary or curtilage (in some cases you may wish to discuss what the 'red line' should be with a planning officer). Planning authorities can reasonably expect a minimum of information on these plans as follows:

**Location plan** - this must identify the land to which the proposal relates and its situation in relation to the locality - in particular in relation to neighbouring land (land which, or part of which, is conterminus or within 20 metres of the boundary of the land for which development is proposed). Location plans should be a scale of 1:2500 or smaller.

**Site Plan** - this should be of a scale of 1:500 or smaller and should show:

- a) the direction of North;
- b) general access arrangements, landscaping, car parking and open areas around buildings;
- c) the proposed development in relation to the site boundaries and other existing buildings on the site, with written dimensions including those to the boundaries;
- d) where possible, all the buildings, roads and footpaths on land adjoining the site including access arrangements;
- e) the extent and type of any hard surfacing;
- f) boundary treatment including walls or fencing where this is proposed.

The range of other plans and drawings will depend on the scale, nature and location of the proposal. The following plans and drawings will not be required in every case, but the list indicates the sort of minimum information which should be included where necessary:

**Existing and proposed elevations** (at a scale of 1:50 and 1:100) which should:

- show the proposed works in relation to what is already there
- show all sides of the proposal
- indicate, where possible, the proposed building materials and the style, materials and finish of windows and doors
- include blank elevations (if only to show that this is in fact the case);
- where a proposed elevation adjoins another building or is in close proximity, the

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drawings should clearly show the relationship between the buildings, and detail the positions of the openings on each property

**Existing and proposed floor plans** (at a scale of 1:50 or 1:100) which should:

- explain the proposal in detail;
- show where existing buildings or walls are to be demolished;
- show details of the existing building(s) as well as those for the proposed development;
- show new buildings in context with adjacent buildings (including property numbers where applicable).

**Existing and proposed site sections and finished floor and site levels** (at a scale of 1:50 or 1:100) which should:

- show a cross section(s) through the proposed building(s);
- where a proposal involves a change in ground levels, show both existing and finished levels to include details of foundations and eaves and how encroachment onto adjoining land is to be avoided;
- include full information to demonstrate how proposed buildings relate to existing site levels and neighbouring development;
- show existing site levels and finished floor levels (with levels related to a fixed datum point off site), and also show the proposals in relation to adjoining buildings (unless, in the case of development of an existing house, the levels are evident from floor plans and elevations).

**Roof plans** (at a scale of 1:50 or 1:100) to show the shape of the roof and specifying details such as the roofing material, vents and their location.

#### **OTHER REQUIREMENTS:-**

- **a fee** must be submitted for an application for planning permission. Details of current fees are available in the planning application pack.
- **landscaping/tree details:** if there are any trees on the site they must be shown on the layout plan. The position of the trunk and diameter of the crown spreads must be accurately indicated. Further details on the survey of trees on development sites is available in Angus Council Advice Note 22. When proposed landscaping details are submitted these should indicate the species of trees/shrubs to be planted, together with the sizes/height at time of planting and the densities of planting of each species. Failure to provide this information can seriously delay the process.
- **advertisement consent** applications should include full scale elevational plans of any side of a building upon which it is proposed to erect signs.

There are special requirements for applications for major developments and these are detailed later in this document.

From 3 August 2009, neighbour notification will be undertaken by the Council and you no longer need to notify neighbours of your application. You do still need to fill in the land ownership information and notify any landowner of your application using the forms provided within the application pack.

Please note that in certain circumstances the Council is required to advertise applications and recover costs from the applicant. Such circumstances will include

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applications where neighbour notification cannot be served as there are no premises on the neighbouring land.

### **What Happens to Your Application?**

When an application is received by the Planning & Transport Division it is checked as follows:-

- forms are completed and signed;
- four copies of all required plans are enclosed and are of the necessary quality;
- certificates are correctly completed;
- any required Design & Access Statement and/ or Pre-application Consultation Report are provided;
- the correct fee is enclosed.

If the application is incomplete we will write to you. The letter will explain why the application is incomplete and ask you to supply the necessary information. You should respond to this request for information quickly since we cannot begin to process your application until it is complete. If you are not sure what else we need, please telephone a Planning Officer whose name is indicated at the top of the letter.

If your application is complete it will be registered and you will be sent a receipt for the fee and an acknowledgement letter saying who is dealing with the application. The processing of your application will involve the following stages:-

- advertisements placed in newspapers or notices put up in appropriate places, if necessary;
- a variety of consultations. In general these cover the clearing of technical aspects with public bodies and supply services such as Scottish Environmental Protection Agency (SEPA) or the Council's own Roads Division; they all have the right to ask for more information and raise objections;
- consideration of your application against policies of the structure and local plan and any past history of decisions on that site or similar applications;
- other technical checks that the application meets Angus Council's standards for things such as parking, privacy, day light and visibility near road junctions;
- at least one visit to the site by a Planning Officer who will also contact you if more information or alterations are advisable;
- the application will either be considered by the Head of Planning and Transport under delegated powers (approximately 90% of applications are decided this way) or go to the Development Standards Committee which meets approximately every three weeks and is made up of Councillors. All applications with more than four objections\* are reported to Committee as are all applications that constitute major developments. In these cases a full report is prepared for the Committee's consideration including reference to any supporting case supplied by applicants and letters of representation made by third parties. (\*Full details of officer's delegated powers are available on request).

Angus Council has two months to deal with planning applications for local development or four months to deal with planning applications for major development. Some listed building applications may have to be referred to Historic Scotland and therefore may take a little longer to process.

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If your application will take longer than the proscribed period to process and we have not agreed on an extension of time, you are entitled to claim the application as a "deemed refusal" and lodge an appeal. The processes for appeals changed on 3 August 2009 and further details are provided below.

### **Your Rights During this Process**

You should feel free to contact the Planning Officer handling your case to discuss its progress and to give any information supporting your case. Unfortunately, due to the pressure of work involved in processing applications within the laid down timescale, the onus is on applicants (or agents) to check on progress. However, should your application be considered by the Committee, you or your agent will be informed in advance and provided with a copy of the Director's report.

You are entitled to address the Development Standards Committee (maximum five minutes) to support your application, if a request is received by the Committee Officer in Law and Administration either in writing or by telephone before 5 p.m. the evening before the Committee meeting at the latest.

### **The Decision**

Once a decision has been reached on your application by Angus Council (Development Standards Committee or Head of Planning & Transport) a Decision Notice will be sent to the applicant or agent, if one was used. This will inform you whether your application has been:

- Approved;
- Approved conditionally;
- Refused.

The reasons for the decision and for the imposition of conditions will also be given when the application has been granted with conditions or refused.

### **Your Appeal Rights**

If your application was refused or you feel any of the conditions imposed on an approval are unreasonable, you may appeal within 3 months of the decision (or date of deemed refusal). As of 3 August 2009, the system for appeals has changed. There are now two 'appeal bodies' in the system where you may have a planning decision reviewed depending on the type of application.

- (1) If the application you proposed represents a 'local' development and that development has been decided by officers under the Statutory Scheme of Delegation – an appeal would be made to a Local Review Body made up of members of Angus Council.
- (2) If the application you propose is National, Major or has been determined by a Committee of the Council, the appeal continues to be made to the Scottish Ministers (or DPEA). This is also the case for appeal for listed building consent, advertisement consent, conservation area consent and hazardous substances consent.

For a local development, you may also appeal if a decision has not been made within two months and you have not agreed to an extension of time. This is known as a

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'deemed refusal' and your right of appeal exists for three months from the date by which the planning authority should have decided the application.

For a major development, the time period for determination is now 4 months and an appeal for deemed refusal to the Scottish Ministers cannot be made until 4 months from the validation date of the application. Again, applicants now have three months from this date to make an appeal.

In the case of national and major applications and local decisions which do not fall to be considered by officers delegated powers, you should initially contact the Department of Planning and Environmental Appeals (DPEA), Unit, 4 The Courtyard, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR. They will provide you with the necessary appeal forms.

Further information will be given out with your decision notice and a leaflet on the appeal process is available from the Planning and Transport Division.

### **Post application provisions**

There are three main changes to the post approval process which have been introduced. These include (a) a new 'Notification of Intention to Initiate Development' (NIID), (b) a new 'Notice of Completion of Development' (NCD), and (c) a requirement to display a site notice relating to the development being undertaken during the development process.

#### **(a) 'Notification of Initiation of Development' (NID)**

Applicants must now notify the planning authority of their intention to start the development for which they have obtained planning permission using the form on the Council's webpage. Failure to comply with a condition can have implications for the validity of a planning permission and as such applicants should take care to ensure that they have purified their conditions as enforcement action may be taken if the conditions are not discharged. The NID process gives the planning authority the opportunity to check that applicants have complied with the conditions attached to their approval. Failure to notify the Council of your initiation of development is a breach of planning control.

#### **(b) 'Notification of Completion of Development' (NCD)**

Notification now requires to be provided by a person undertaking a development, when that development has been completed. For phased developments, this notification should take place at the completion of the relevant phase.

#### **(c) Display of notice while development is being carried out**

From 3 August 2009, for 'national', 'major' or 'Schedule 3'\* developments, the developer must display a notice at the site for the duration of works which contains sufficient information to identify the permission to which the works on site relate and any associated planning conditions. An example of such a notice can be found in [The Town and Country Planning \(Development Management Procedure\) \(Scotland\) Regulations 2008](#).

\*A Schedule 3 development is a development falling into Schedule 3 of the Development Management Regulations. This category replaces the category previously known as 'Bad Neighbour Development' required through Section 34 of the 1997 Act.

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## **Complaints and customer care**

The Planning & Transport Division is committed to continuous improvement in customer care. Should you in any way feel dissatisfied with the service you receive from the Council or its staff you are advised to contact the Council's ACCESSLine on 08452 777 778. ACCESSLine will record details of your complaint and provides a single point of contact with the Council. This system avoids the need for you to make multiple enquiries to different Department's within the Council and should ensure a speedier outcome to your enquiry.

If you remain dissatisfied and feel that the Council has not followed the correct procedures for dealing with a planning application, you may consider contacting the Local Government Ombudsman. The Ombudsman is not able to question the merits of any decision by the Council but can investigate the method and procedure the Council undertook in dealing with any application or in reaching its decision.

## **FURTHER INFORMATION**

Further information on any aspect of this guidance note can be obtained from:-

Angus Council  
Infrastructure Services Department  
Planning & Transport Division  
County Buildings  
Market Street  
FORFAR  
DD8 3LG

Tel. 01307 461460  
Fax 01307 461895

## **FURTHER PROCEDURAL GUIDANCE:**

### **APPLICATIONS FOR PLANNING PERMISSION – MAJOR/NATIONAL DEVELOPMENTS**

The Scottish Ministers have altered the planning system in Scotland to streamline the system for smaller scale developments while improving the management, processing and public scrutiny of major applications. The Ministers place a heavy emphasis on pre application discussions and engagement in a process referred to as front loading.

#### **Process agreements**

Applicants for major developments may work with planning authorities to sign up to Process Agreements which provides a mechanism to project manage planning applications. A process agreement should be put in place prior to formal submission of an application and checks progress of an application against key milestones in the process. The process agreement can include a commitment from external consultees as well as the Council and applicant. Some applications will inevitably take longer to process than the standard 4 month target and the use of process agreements can provide applicants the comfort that the proposal is progressing where the timescale appears much greater than the statutory standard. Applicants should be mindful that a process agreement which provides for an extension to the timescale for determination of the application will impact on when the right of appeal against non determination starts.

#### **Steps required prior to your application being submitted**

Applications for planning permission or planning permission in principle of this nature require to undertake Pre Application Consultation (PAC). This is a separate process from pre application discussions with the planning authority which are encouraged, particularly for major developments.

Planning Authorities will provide a **screening service** whereby they can advise applicants whether their proposal is major/national and thus requires to follow the formal PAC process.

#### **Proposal of application notice**

Where PAC is required, applicants must submit a 'Proposal of Application Notice' (PAN) to the planning authority at least 12 weeks prior to submitting the application. This notice requires details of the measures the applicant proposes take in order to consult the public. The planning authority will respond to the PAC Notice within 21 days of the notice being received stating whether the proposed measures of consultation are acceptable and whether any additional consultation measures are required. The level of PAC required by the planning authority will be proportionate to the scale and nature of the proposal and as a minimum shall include:-

- Community Council's: applicants shall consult the Community Council (CC) in whose area their site is located. If the site adjoins more than one CC, then all of the relevant CCs shall be consulted.
- Public event: applicants are required to hold a minimum of one public event where members of the public can make comments to applicants. This meeting must be advertised in the appropriate edition of the local press (The Courier) at least 7 days prior to it being held.

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There are requirements for notices to be placed which explain the nature of the proposal and where members of the public can comment to the applicant. The venue for the meeting must be accessible for members of the public including disabled persons. There may be more than one public event and a single event is the statutory minimum.

**PAC Reports:** applicants must provide a report to the planning authority as part of a major application submission showing how the applicant has delivered the details set out in the PAN. There is no standard format for this but the report must include the details set out in 2.27 of Circular 4/2009 which is summarised in the 'Pre-application Consultation with Communities' paper dated April 2009 and available on the Council's website.

Further guidance on PAC is available on the Council's website at: <http://www.angus.gov.uk/atoz/pdfs/PACGuidanceApril2009.pdf>.

### **Other information that a 'major' application shall include**

**Notice to owners and agricultural tenants:** while the neighbour notification process is now undertaken by the planning authority, applicants retain the requirement to notify the site landowner or an agricultural tenant. The application pack provides the appropriate certificates.

**Design and Access Statement:** major applications require to be accompanied by a Design and Access Statement (DAS) which explains the design principles and concepts that have been applied and how issues relating to access for disabled people to the development have been dealt with. Planning Advice Note 68: *Design Statements* should assist in the production of this.

There are a number of occasions where a DAS is not required and these occasions are detailed later in this note.

### **Processing the application**

Applicants and agents should be aware that for classes of development that fall within the major category, officers now have 4 months to determine the application which has an impact on the right of appeal for deemed refusal.

### **Pre-Determination Hearings**

The Pre-Determination Hearing (PDH) is a new introduction to the system and is designed to enhance scrutiny measures, making the system more inclusive. This will allow the views of those making representations on an application to be heard prior to the decision being taken. The PDH will only apply where a 'major' proposal is 'significantly contrary' to the development plan or where a proposal is national (as defined by the National Planning Framework) and where it is specifically requested by the applicant or other interested parties. The planning authority must allow applicants and parties making representations the opportunity to appear before and be heard by a committee of the Council.

In addition to a PDH, applications which fall into this category must now be decided by a meeting of the **full Council**, rather than the Development Standards Committee.

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## **FURTHER PROCEDURAL GUIDANCE:**

### **APPLICATIONS FOR PLANNING PERMISSION – LOCAL DEVELOPMENTS**

Local developments are defined as those which do not fall within the category of either 'national' or 'major'. This will be the category of the vast majority of planning applications submitted. There are no significant changes to the processes to be followed at pre application stage but there are changes to the system following a planning decision. The planning authority retains a two month target period to determine the application but an appeal must now be made within 3 months of the decision or deemed refusal. The appeal will usually be made to a Local Review Body.

#### Design and Access Statements

Design Statements (not including an access statement) for 'local' developments are only required within:-

- a World Heritage site;
- a conservation area;
- a historic garden or designed landscape;
- a National Scenic Area;
- the site of a Scheduled Ancient Monument;
- the curtilage of a category A listed building.

This requirement would however not apply where an alteration and/or extension to an existing building is involved. Planning Advice Note 68: *Design Statements* should assist in the production of these statements.

A Design and Access Statement is NOT required for applications for:-

- an application for planning permission for the development of land without complying with conditions of a previous permission;
- an application for planning permission for engineering or mining operations;
- a householder application;
- a change of use of land or buildings;
- planning permission in principle.

## **FURTHER PROCEDURAL GUIDANCE:**

### **APPLICATIONS FOR 'APPROVAL OF MATTERS SPECIFIED IN CONDITIONS'**

Following approval of an application for Planning Permission in Principle (PPP), further approval is required from the planning authority of the matters specified in the conditions of the PPP. This is a replacement of the process which was formerly known as 'Reserved Matters', which was previously required following the approval of 'Outline Planning Permission'. The new name for this type of application is 'Approval of Matters Specified in Conditions' (AMSC).

Every condition attached to a PPP requiring the further approval, consent or agreement of the planning authority requires to be formally approved through an AMSC. This may take the form of one application for AMSC, or may involve several.

Neighbour notification for this process will apply and will be undertaken by the planning authority.

Applications for AMSC must include:-

1. be submitted on the Council's standard application form including details of the name and address of the applicant and any agent acting on their behalf and the other relevant information requested on the form;
2. identification of the PPP to which the AMSC relates;
3. a description of the matters (or conditions) to which the AMSC relates (it is important that this is precise and identifies all matters (or conditions) for which approval is sought);
4. detailed plans/drawings/elevations which will be sufficient to assess the issue(s) which require to be assessed; and
5. the appropriate fee for the proposal.