

Development Management Customer Charter

July 2023

(Updated September 2024)

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1. Executive Summary

- 1.1 How Charnwood is developed is important to its residents. The Development Management Service plays a key role in shaping the Borough of Charnwood. Therefore, it is important that the Development Management Service makes robust and timely decisions on planning applications, checks that development has been undertaken correctly, that funding for infrastructure is provided and that enforcement action is taken in appropriate circumstances when rules are broken.
- 1.2 This Development Management Customer Charter sets out the various stages throughout the planning application process and how the Development Management Service will provide high standards of customer service whilst ensuring that Government set targets are met.

2. Introduction - What is Development Management?

- 2.1 The Development Management Service is responsible for determining a variety of planning applications. It is part of the Local Planning Authority that sits within Charnwood Borough Council. Its key function is to approve development that is acceptable and refuse development that is not. In other words, it manages development. In order to do this, the key functions are:
- To provide pre-application advice to applicants for potential proposed development;
 - To determine a wide variety of planning applications in accordance with the Development Plan and other material considerations;
 - To defend planning applications that have been refused that are appealed; and
 - To take any necessary action against unlawful development.
- 2.2 The Development Management Service aims to provide a good level of service for its customers whilst ensuring that it maintains a good reputation and that its decisions are made with transparency.
- 2.3 The Development Management Service has nationally set targets to meet for the determination of all of its applications. Failure to meet these targets can result in the Local Planning Authority going into 'special measures' and losing its ability to determine planning applications. In these circumstances planning decisions would be made by the Planning Inspectorate in Bristol and the Local Planning Authority will be charged for this service.
- 2.4 The way the Development Management Service determines planning applications is set out within Government legislation which must be applied to ensure that lawful decisions are being made. The processes set out in this legislation differs depending on the type of application that is being determined.

- 2.5 The Service is made up of a number of professional officers who manage a case work of planning applications. They are supported by technical and administrative staff to make recommendations on planning applications. All planning applications go through a quality assurance process to review recommendations and are approved by the Head of Planning and Growth or the Plans Committee. We work in partnership with a number of consultees both internally within Charnwood Borough Council and externally, including Town and Parish Councils and local residents.
- 2.6 Our aim is to ensure that the Service is as accessible as possible to everyone. We are aware that many people who use the Service will be unfamiliar with it and have little or no experience of it. More information about the Development Management Service can be found at [The Charnwood Borough Council Planning Guide](#). This is a handy guide on the types of planning applications that we deal with and how the various stages of the planning process work.

3. Is Permission Needed?

- 3.1 Some types of development are known as 'permitted development' and do not require planning permission. However, most development does require some form of permission from the Local Planning Authority. More information about whether or not planning permission is required can be found on our [Do I need planning permission?](#) webpage or in [The Charnwood Borough Council Planning Guide](#).
- 3.2 Many customers want to know if they need planning permission and will often phone and ask for this advice verbally. The legislation is complex, and it is not possible for the Development Management Service to advise you over the phone or via email if planning permission is required for your proposal.
- 3.3 If you would like the Council to provide you with a legally binding document confirming if planning permission is required or not, you may submit an application for a lawful development certificate. More information about this process can be found on the Council's [website](#).
- 3.4 The Council's website also provides some [self-assessment forms](#) to assist you with deciding if planning permission is required or not. These may help you with a number of proposals including common household extensions, loft conversions and new driveways. If you are still unsure after reviewing these self-assessment forms, then we would advise you to consider submitting a lawful development certificate application or to take independent professional advice. We are not able to support you in completing application forms unless you access our pre-application service (see below for details) for which there is a charge.

4. Will I get Planning Permission? – The Pre-Application Process

- 4.1 We actively encourage applicants to submit a pre-application enquiry prior to submitting a formal planning application. This enables us to highlight any potential issues that may arise and encourage good quality applications that achieve the highest standards. This is helpful as it can often speed up decision times for formal planning applications.
- 4.2 In order to assist us in being able to provide you with the best possible advice, we kindly ask that all pre-application enquiries include:
- A completed [Pre-Application Advice Request Form](#). This should be emailed to development.control@charnwood.gov.uk along with the relevant documents attached;
 - A cover letter setting out what advice you require;
 - The correct fee;
 - A location plan clearly identifying the land in question; and
 - Any other plans or information that you consider is relevant to your proposal.

The more information you provide, the more detailed our response will be.

- 4.3 We will aim to respond to pre-application enquiries within 5 weeks for householder proposal and minor development proposal enquiries and 6 weeks for major development proposals. These targets are monitored monthly, and the pre-application service is regularly reviewed to make sure the relevant information is up to date.
- 4.4 Please note that pre-application advice is only an informal opinion and does not constitute a formal or guaranteed outcome, nor prejudice the formal consideration of any application by the Council against local and national planning policies and current

guidance at the time a formal application is received, or any decision that may be made by the Council's Plans Committee.

- 4.5 We do not generally publish pre-application enquiries or the advice that we provide. However, you should be aware that the Council may need to disclose information in response to requests made under the Freedom of Information or Environmental Information Regulations.
- 4.6 When planning your projects please ensure that you allow enough time for discussions about your proposal and for the case officer to prepare their response. The above timeframes are our targets and sometimes providing pre-application advice can take longer depending on the complexity of the proposal and whether or not meetings are required. It is in your interests to reach an agreed position with the case officer before submitting a formal application as we will only enter into discussions during the formal application stage if only minor amendments are required to overcome concerns or objections. This is subject to any necessary consultations being able to be carried out within the statutory determination period as addressed later in this Charter.
- 4.7 For more information about our pre-application process, including fees, please use our [Pre-Application Guidance Note](#). This contains everything you need to know before making an application.

5. Formal Planning Applications

Submitting a Planning Application

- 5.1 When submitting your application, it is your responsibility to ensure that all of the necessary documents and information are provided to enable us to progress it. More information about what is required can be found on our [website](#). Planning applications are checked against a list of National requirements and a list of Local requirements known as the [Local Validation List](#). The Local Validation List is reviewed every two years to make sure that it is up to date. Please ensure that all necessary surveys and reports are up to date. We cannot accept out of date surveys.
- 5.2 The simplest of mistakes can delay your application from being processed. We encourage applications to be submitted via the national [Planning Portal](#) as this will make the process quicker for you.
- 5.3 Each application is checked to make sure that everything is there that is required. If it is, your application will be made valid and will be registered¹. An acknowledgement letter will be sent to the applicant or agent to confirm that it is a valid application, confirm the case officer and the target date for determination.
- 5.4 When an agent has been appointed on your behalf, to avoid confusion, we will only deal with your agent in all correspondence and discussions. Therefore, should you have any queries regarding your application, please contact your agent in the first instance. We will not discuss applications with third parties calling on your behalf other than the agent. If you need someone to call on your behalf, or you change your agent, we require written authorisation of this, which will be added to the case file.
- 5.5 Incomplete or incorrect applications will not be made valid and therefore not registered. The applicant or agent will be contacted

¹ A valid application is one that is submitted and has all of the correct information to enable it to be processed in accordance with the national and local validation requirements. Registration is the process of consultation with relevant consultees, including neighbours.

to advise them that the application is incomplete or incorrect and then given the opportunity to address this. To ensure your application can be progressed quickly please ensure that any requests are responded to promptly. You will be offered a timeframe to respond within. If the relevant action is not taken by you, we will write to tell you the application has been withdrawn and no further correspondence will be accepted.

- 5.6 We will aim to validate applications within 5 working days of receipt subject to all the complete and correct information being submitted, including the relevant fee. We aim to register applications within 10 working days of an application being made valid.

Processing a Planning Application

- 5.7 Once valid, a planning application will be allocated to a case officer. The case officer is responsible for registering and determining the application. In order to do this the case officer may visit the site. The applicant will not normally be notified of this, due to the number of applications we process, unless access is required to a restricted property or area.
- 5.8 Sometimes an application will require additional information that is not requested at the validation stage. This is because the case officer may need further information to enable them to determine your application. An example of this could be to request additional plans to show a particular section of the site to help them to understand the proposal more clearly. This is a normal part of the process. If further information is requested, you should return this as promptly as possible to your case officer to prevent any delays with your application. Additional information can sometimes be identified by those who are consulted on your application to assist them in advising the case officer on the suitability of the proposal.
- 5.9 Unless the applicant has entered into a Planning Performance Agreement (PPA) with the Council, we will not normally enter into discussions with the applicant or their agent. This will only happen in exceptional circumstances or where minor amendments would

be required to make an otherwise unacceptable development, acceptable and this can be done within the target timescales. This means that it is important to ensure your proposal is fully evidenced and explained at the point it is submitted. Engaging in our pre-application service can provide advice to avoid problems during the formal process. Discussions during the application stage will not normally happen where:

- Development is unacceptable in principle;
- A significant or complete re-design will be required to overcome objections or concerns;
- Clear pre-application advice has been given where the applicant has not followed that advice;
- No pre-application advice has been sought;
- The development does not comply with the adopted Development Plan;
- Any additional information that is required could not reasonably be returned to the case officer to allow them time to determine the application within Government set targets; or
- Where out of date or incomplete surveys or reports have been submitted.

5.10 For major or complex applications, the Council may be able to enter into a Planning Performance Agreement (PPA) with you to establish and agree targets and timescales. Please contact the Group Leader Development Management should you wish to discuss this further. An initial conversation will take place to see what your expectations would be and if the Council is able to resource a PPA. There is a fee for PPAs, and this can be discussed on a case-by-case basis.

5.11 We encourage you to monitor the progress of your application using our [Planning Explorer](#) tool on the Council's website. On here you will be able to see any consultee comments and if any further information has been requested. We will try to update you where possible if we have received a response that needs further action, but we would encourage you to review the website regularly to keep up to date with consultee responses.

5.12 When an application is amended it is up to the Local Planning Authority to decide if further publicity and consultation is necessary. More guidance on this is set out in the [National Planning Practice Guidance](#). The length of time for any publicity or re-consultation following the receipt of amended plans is also for the Local Planning Authority to decide but will be carried out for a minimum of 7 days and will depend on the nature of the amendment.

5.13 We deal with all applications in accordance with national and local performance targets. The Government targets are currently:

- 60% of major applications to be determined within 13 weeks from the date of validation, or any other agreed timescale; and
- 70% of all other applications to be determined within 8 weeks from the date of validation, or any other agreed timescale.

We will therefore aim to determine all applications within these timescales unless a PPA is in place. Please note that applications requiring an Environmental Impact Assessment have a determination period of 16 weeks. Performance against these targets will be reported to the Plans Committee on a Quarterly basis for information.

5.14 We will not support a process of submitting continuing amendments to a scheme to try and address substantive concerns as this delays the decision making process beyond the Government set targets for determining planning applications. We will only agree to extend the target determination date of applications in exceptional circumstances and with your prior written agreement. An example of this may be where a Section 106 or other legal document is required before a planning permission can be issued.

5.15 Case officers will inform you or your agent (where one is appointed) about the progress of your application. If the case officer has concerns about your proposal, they will contact you and advise you of their concerns. If there is enough time and the concern is minor, they may accept an amendment to the scheme.

This will include where a re-consultation is needed and can be done within the relevant time period or where a re-consultation is not required. If a re-consultation is required and cannot be done within the relevant time period, then an amendment to the scheme will not be accepted. If the concern is more substantial, or in the opinion of the case officer, it cannot be overcome, they will advise you that your application will be refused and will set out your options. This may include asking you to consider withdrawing your application.

- 5.16 If the application cannot be dealt with by the target date, your case officer will contact you before the target date to advise you of this and to seek your agreement to extend the timeframe for determining the application as well as setting out their reasons for doing so. They will set out a revised, realistic timescale for determination to be able to assist you in deciding how to proceed with your application.

Consultation

- 5.17 Consultation on planning applications is carried out in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). This sets out when neighbours should be notified, when site notices should be displayed, when press articles should be displayed and when statutory consultees should be consulted and the amount of time that these should be carried out for. This information is also set out in the Council's [Statement of Community Involvement](#).
- 5.18 Information about new valid planning applications is also included on a [weekly list](#) available on the Council's website.
- 5.19 Requests for extensions of time to respond to consultations can be made to the Council by emailing development.control@charnwood.gov.uk. However, given the tight timescales that are set we are unable to guarantee that these will be granted. Therefore, it is important that any responses are provided on time.

Commenting on an Application

- 5.20 Any comments (known as representations) relating to a planning application must be made in writing to the Council within the consultation period. Representations must include relevant material planning considerations. Anything that is not a material consideration will not be considered. More information about what a material consideration is can be found at [What are material considerations? - Planning Portal](#). Anonymous representations will not be considered, although you could submit these via your local Councillor who may be able to comment on your behalf.
- 5.21 Petitions can be submitted as a representation. More information about this process can be found in the [Council's Constitution](#).
- 5.22 Any representations will be published on the Council's website, and we will remove what we consider to be personal or sensitive data. Names and addresses will be published and so if you wish to remain anonymous, please speak to your Local Councillor who may be able to submit comments on your behalf. More about our Privacy Policy can be found at [Privacy Notice - Planning and Regeneration](#).

Decision Making

- 5.23 Decisions on planning applications are made in one of two ways:
1. Delegated to the Head of Planning and Growth (or any other officers as set out in a scheme of sub-delegation) on behalf of the Council.
 2. At the Plans Committee.
- 5.24 More information about these two processes can be found within the [Council's Constitution](#).
- 5.25 Having a scheme of delegation allows the Local Planning Authority to ensure that there is efficiency and effectiveness in decision making.

- 5.26 Approximately 3% of the Council's planning applications are reported to Plans Committee. This generally includes the more complex and controversial applications. The Plans Committee normally meets once a month. Details of applications that are on a particular agenda and minutes from previous Plans Committee meetings can be found on our website [Plans Committee - Committees, minutes and agendas](#). These meetings are held in public and allows applicants and interested parties to speak about a proposal in accordance with the procedures set out in accordance with the Council's Constitution. More information about the right to speak can be found at [Public speaking at plans committee](#).
- 5.27 Once a final decision has been made on your application a decision notice will be issued to the agent (or applicant where there isn't an agent) and will be uploaded to the Council's website. The decision will set out clearly whether a proposal is approved or refused. If approved, it will set out any planning conditions that need to be complied with, or where further information is required. Any refusal of planning permission will state a clear reason or reasons setting out why your application has been refused. The decision notice may also provide any informatives that the applicant should be aware of including applicant's right to appeal against a refusal of planning permission or any conditions that have been attached to an approval of planning permission.
- 5.28 Some applications require the completion of a legal agreement made under Section 106 of the Planning Act before a decision can be issued. A Section 106 Agreement is a legal document that is signed by all relevant parties to secure various planning obligations. If a Section 106 Agreement is required, this will be advised as early as possible, and Heads of Terms will need to be provided by the applicant or agent. This will enable discussions to take place about the form and content of the Section 106 Agreement so that a decision can be issued as soon as possible. The Council will seek to recoup its full costs for the preparation of any legal agreement. More information on planning obligations and Section 106 Agreements can be found in the [National Planning](#)

[Practice Guidance](#) and on our website [Section 106 and community infrastructure obligations](#).

5.29 No development should start on site until the decision notice has been issued confirming you have planning permission, and that any conditions that require further information to be submitted have been complied with and the relevant confirmation of this has been received by the applicant. These are known as pre-commencement conditions and an application is required to formally discharge them. Similar to a planning application, a decision notice will be issued when the condition has been discharged. More information about discharging conditions can be found at [Discharging planning conditions](#).

Use of Planning Conditions

5.30 Pre-commencement conditions will only be used where they have been agreed with the applicant before the decision is issued. They are only used when the requirements of the condition are so fundamental to the permitted development that it would have otherwise been necessary to refuse the planning application. In order to avoid delays with your application you should ensure that you respond promptly to any requests from your case officer to agree to the use of pre-commencement conditions. Should you object to the use of a pre-commencement condition, that the case officer considers is essential, your application is likely to be refused.

5.31 Applications to discharge conditions should be determined within 8 weeks. More complex cases can take longer. Therefore, it is important that you schedule in enough time for this process to take place when planning your development.

5.32 Any development that takes place must be carried out in accordance with the approved details as stated in the conditions. It is important that you ensure your development is implemented correctly. If not, you could be considered to be in breach of your planning permission.

6. Amendments to Applications

- 6.1 Once you have received your planning permission you may need to amend your approved proposal. There are three ways to do this:
1. An application for a non-material amendment to your proposal.
 2. An application to vary a planning condition attached to your planning permission.
 3. A new planning application.
- 6.2 There is no statutory definition of non-material and what may be non-material in one case may be material in another. It depends on the nature of the proposed change. More information about how you can amend your proposal can be found in the [National Planning Practice Guidance](#)

7. Appeals

- 7.1 If an applicant is not happy with a decision to refuse planning permission or a condition attached to their planning permission, they have a right of appeal. The procedure for this is set by the Planning Inspectorate. More information about your right to appeal can be found on your decision notice or on the [Government website](#).
- 7.2 If you have not been given a decision by an agreed date you have the right to appeal against non-determination. More information about when this can be done and how to do this can be found using the [Government website](#).
- 7.3 The Government monitors Councils' performance on appeals and allows for 10% of applications to be overturned at appeal. Therefore, it is important that the Local Planning Authority make well informed decisions during the determination of your application. All appeal decisions are reported back to the Members of the Plans Committee on a quarterly basis.

8. Enforcement

- 8.1 Within the Local Planning Authority is a Planning Enforcement Team. The role of this team is to investigate any potential breaches of planning control. The team are guided by an [Enforcement Plan](#) Plan which sets out how complaints about breaches of planning control are responded to.

9. Complaints

- 9.1 This document has been produced to ensure that there is transparency about how we work and to ensure that your planning application is dealt with as efficiently as possible. We hope that you will be happy with our service. If you are please tell us. We also want to hear from you if you have any concerns or suggestions for how we can improve the service. We are committed to improving our service by ensuring that we review processes and procedures regularly.
- 9.2 We will consider all complaints that are made about the way a planning application was handled. We will not consider complaints that relate to any disagreement with a decision notice that the Council has issued. This in itself is not a ground for complaint and there is a separate appeal process for raising this, as referred to in section 6 above.
- 9.3 For more information on the Council's complaints procedure please go to [Feedback, Compliments or Complaints - Charnwood Borough Council](#).

10. Performance

10.1 The Government sets targets for Local Planning Authorities and we monitor our performance against these targets regularly to ensure that we are performing as we should be and where necessary make any relevant improvements. More information about planning targets can be found at [Improving planning performance: Criteria for designation \(updated 2022\) \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/102122/improving-planning-performance-criteria-for-designation-updated-2022.pdf).

10.2 The targets for Local Planning Authorities are:

Application Type	Target
Speed of Major Development Proposals	60% to be determined within the statutory timeframe ² or other such extended period as agreed in writing between the applicant and Local Planning Authority ³ .
Speed of Non-Major Development Proposals	70% to be determined within the statutory timeframe or other such extended period as agreed in writing between the applicant and Local Planning Authority.
Quality of Major and Non-Major Development Proposals	10% of the total number of decisions made by the Local Planning Authority on applications that are then subsequently overturned at appeal.

² The statutory period is 8 weeks for applications for non-major development and 13 weeks for applications for major development, unless an application is subject to Environmental Impact Assessment, in which case a 16-week period applies.

³ The extended period could be through a Planning Performance Agreement or an agreed extension of time (which should be in writing, be agreed before the end of the statutory determination period and set out a timescale for the decision).