

How does the planning system work?

Planning decisions are made having regard to both local planning policies and to national planning law. This enables us to ensure that changes are regulated, so that poor development does not spoil attractive areas and that new buildings are not erected in unsuitable places.

In principle an application for planning permission is likely to be approved unless there are legitimate reasons to refuse it.

For further information about local planning policies please refer to:

www.torbay.gov.uk/localplan

<http://www.torbay.gov.uk/ldf>

For further information about national planning law please refer to:

www.planningportal.gov.uk

Applying for Planning Permission

A planning application must be submitted using specific forms and the proposals shown on plans drawn to scale. This is the case for all types of applications, including small scale developments such as those for sheds, decking and windows. Applicants must use the appropriate form for their application to be valid and these are available to download from:

www.torbay.gov.uk/planning

or by contacting Spatial Planning on (01803) 207801

An application can also be submitted electronically via the website:

www.planningportal.gov.uk

Some architects will act as an 'agent' and submit an application(s) on behalf of their client. In this instance all relevant paperwork is forwarded to the agent rather than the applicant.

Applicants who do not use an agent can find help on making their application by referring to the application checklist and guidance notes which can be found at:

www.torbay.gov.uk/planning

Once an application has been submitted

We are only able to process an application once it has been deemed valid i.e. the appropriate forms, plans and fee have been submitted correctly. It is allocated to a planning officer and a target date for the decision (8 weeks from the date the application was deemed valid) is set. For householder applications the target date is as soon as possible following expiry of the period for publicity which is 3 weeks after the application is deemed valid.

The decision making process now begins. The application is given a unique reference number (P/20--/----) and the applicant is sent an acknowledgement letter. The application also is made available for public inspection. We try to make sure that everybody who may be affected by a proposal will know that the application has been made. This will be done by a combination of the following:

- writing to nearby neighbours
- putting up notices at the site
- displaying a list of applications in libraries and Connections offices
- some applications are advertised in the local paper on a Friday
- all applications are made available in electronic format

The application will be scanned and available to view at: www.torbay.gov.uk/planningonline

If you wish to keep track of the progress of an application or have enquiries about an individual application please view the details online or contact the planning officer assigned to that case.

Consultation

The first three weeks of the decision making process are called the 'consultation period' when we can receive letters or emails either supporting or objecting to the application. Torbay Council actively seeks the involvement of members of the community when making planning decisions. However, the council must only determine applications on the basis of their

planning merit and can only take into account matters that are relevant under planning law. We cannot receive comments verbally either over the telephone or at any of our reception areas. For further information about making representation please refer to the leaflet 'Commenting on a Planning application'. To submit representation online please visit: www.torbay.gov.uk/planningonline

The decision making process

Straightforward applications are determined by a senior officer under Delegated Powers providing the decision is in accordance with Local Plan policies. The aim is to make a decision on such applications within 8 weeks of the date it was deemed valid.

Site Review Meeting

Where an application is scheduled for determination under Delegated Powers and the case officer is minded to recommend approval but there are a limited amount of objections, no more than 4 in number, the application will be the subject of a Site Review Meeting (SRM). The meeting will comprise an officer, a Councillor, the applicant or the agent and the people who have made representations.

The meeting is intended to decide whether the decision will be made under Delegated Powers or the application be referred to the Development Management Committee for determination. This decision is made by the Councillor and follows his or her seeing the site, viewing the plans and hearing the views of the parties. You will be informed in writing of that decision.

The Development Management Meeting

The Development Management Committee is made up of planning staff and elected councillors. They are usually held on pre-set dates once per month at Oldway Mansion at 14:30 p.m.

Certain types of applications must be determined by the committee. These include major or complex developments, most schemes where the council itself is the applicant and applications that are referred to the committee. Where an application is scheduled for committee it will be considered at the first available monthly meeting.

To find out if an application has been referred to the committee you should check with the case officer once the 21 day consultation period has expired to see how the application is to be determined. Where the application is to be dealt with by the committee there is an opportunity for one person to speak for the scheme and one person against. Please contact our committee meeting section on 01803 207013 for further details or email democraticservices@torbay.gov.uk

The Decision

The legal document granting or refusing planning permission is called the Decision Notice. This will be issued once the decision has been made. If an application has been made through an agent it will be sent to the agent and not the applicant.

If an application is permitted the applicant has 3 years in which to make a material start on the development. If a material start is not made within 3 years the application will become void.

If an application is refused the applicant can appeal against the decision by writing to the Planning Inspectorate within six months or within 12 weeks for householder applications. We notify anybody who has submitted representations concerning the application that the application has gone to appeal. Appeal forms are available from the Planning Inspectorate website: www.planning-inspectorate.gov.uk or write to:
The Planning Inspectorate
Room 3/15 Eagle Wing

Temple quay House, 2 the Square
Temple Quay, Bristol, BS1 6PN
Tel. 0117 372 6372

The decision of the Inspectorate can only be challenged on the grounds of maladministration. There is no third party right to appeal and the only ground for contesting the approval of a standard planning application would be on the grounds of maladministration.

What happens if the permission is not properly implemented by not being built in accordance with the approved plan or by not complying with conditions attached to the permission?

The Council can take action if either of the above events happen, but the power is discretionary. If you consider there is a breach of a permission please contact the Planning Investigations team on:

Torquay: (01803) 207781
Paignton & Brixham: (01803) 207784

Further contacts for Spatial Planning:

Major applications team: 207738
Development Services Team (Householder & minor applications) 207801
Application Support Team 207801
Historic Environment & Sustainability: 207754
Conservation: 207958
Support: 207765
Strategic Planning: 208804
Building Control Support: 208095
Transport: 207730
Support: 207764
Trees team:207797
Further useful websites:
www.torbay.gov.uk/planning
www.planningportal.gov.uk

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Planning Permission



How does the application process work?

To request a copy of this leaflet in another format or language, or for more information on Spatial Planning please contact:

Spatial Planning on tel: (01803) 207801
fax: (01803) 208858
email: planning@torbay.gov.uk
visit:
www.torbay.gov.uk/planning