

## Planning Services

### **DECIDING PLANNING APPLICATIONS.**

Deciding planning applications can, in some cases, be a complex process. However, many applications are relatively straightforward and can be determined fairly quickly, provided that they are in line with the Council's standards for development.

The Government has performance targets for planning applications, and Councils are expected to aim to achieve these. The targets are,

- 60% of major\* commercial and industrial applications to be determined in 13 weeks
- 65% of minor\*\* commercial and industrial applications to be determined in 8 weeks
- 80% of all other\*\*\* applications to be determined in 8 weeks.

*\*'Major' development includes applications for 10 or more dwellings, or sites for residential development more than 0.5 Ha, or applications for industrial/office/warehouse or retail development more than 1000m<sup>2</sup> floor space or 1 Ha site area.*

*\*\*'Minor' development relates to the same categories of development below these thresholds.*

*\*\*\*'Other' includes Householder development, Change of Use applications, Advertisement Consents, and Listed Building/Conservation Area Consent.*

Kirklees Planning Services are working towards these standards, and we will do all we can to minimise any delays in the determination of planning applications. Please note that the periods we are required to work to are from the date of receipt to the date of issue. The actual decision date may be a day or two before the final issue date to allow for processing.

### **Why should applications be decided quickly?**

Decision speed has a particular impact on the business community. More than 60% of all applications received are connected with some kind of commercial activity, and so this has an impact on investment, and therefore jobs. Communities are also affected, as a lengthy decision making process gives rise to uncertainty about what is happening in their area.

## HOW APPLICANTS CAN HELP TO MINIMISE DELAY

### Pre-application discussions

Due to a large increase in the number of planning applications being submitted, we are unable to give an individual response to every enquiry made. We have, however, prepared a number of advice notes mainly about householder development that can be obtained from the Planning Service office. Written enquiries that can be dealt with by an advice leaflet will normally be responded to by returning the appropriate leaflet, and any other relevant information. The information can also be found on the Kirklees web site -

[www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning)

The site also has the text of Unitary Development Plan (UDP) policies, and other useful information that relates to the Planning Service. More information will be added as time and resources permit, but improving the content of the web site is a priority for the next year. Most Kirklees Libraries and Information Points have facilities for accessing the Internet if you do not have this at home or work. Printed copies of advice notes are available free of charge from the Planning Service, and a copy of the UDP can also be made available for inspection.

We are however continuing to give detailed advice on major planning proposals that can be dealt with by the Development Team (see below).

As you will be aware, all applications are decided on their merits, and the only way to find out whether planning permission will be granted for what you want to do is to submit a formal application. Proposals that do not comply with Council policies are less likely to be approved than those that do. An inspection of the UDP policies for the development proposed should give you a good indication as to whether planning permission is likely to be granted.

If you have Internet access, you could visit the Planning Portal web site ([www.planningportal.gov.uk](http://www.planningportal.gov.uk)) which has a volume calculator, and also has advice about "permitted development". This will help you determine whether a planning application needs to be submitted or not. If you need definitive proof that planning permission is not needed for a proposed development, you will need to submit an application for a Certificate of Lawful Use. Please ask for further advice about this (see 'contacts' at the end of the leaflet).

### The Development Team

Enquiries about 'Major' development (see page 1 for a definition) will automatically be discussed at the inter-departmental Development Team meeting. This is a standing meeting of senior council officers who provide input to development proposals. The enquiry will be discussed at the meeting, and a 'Development Team Report' will be provided, giving the best possible advice about how to proceed. The more information you can give us, the better the report can be. Potential applicants or their agents can arrange to be at the meeting if they would like to talk to the officers direct. For more information, see 'contacts' at the end of the leaflet.

## **Submitting an application**

If a proposal is in line with the Council's policies, then a decision should be able to be issued within the target time for the type of application submitted. If the application falls short of the standards, then an assessment will be made to decide whether it can be made acceptable by a minor change to the plans. This would have to be a relatively small change (like altering the appearance, or making a house extension slightly smaller), and not be contentious. If an amendment is minor, then an opportunity will be given to alter the plans. You will be informed of the date when we need amendments to be submitted by, so the decision can be issued within the target time. If the application is clearly not in line with the Council's standards, then it is likely that the application will be refused. If alterations are suggested, but not agreed, or plans do not arrive in time, then it is likely that the application will be determined on the basis of the plans available.

## **Withdrawing applications**

Major changes to the plans after they have been received may not be able to be agreed. This is because there is a need to carry out extensive public consultation when applications have been submitted, and significant changes to the application will mean that the consultation process will have to start again. Examples of when amendments may not be able to be accepted include:

- changes to plans that increase the size of the development. Variations of approximately 5% will usually be accepted to be minor, and will not require resubmission.
- where there are changes to the site boundary
- If the location of building/s on the site changes, particularly where this brings the proposal closer to existing development
- If the proposed use or character of the development changes following submission, e.g. increased hours of operation, potentially higher noise levels etc., where this would be likely to lead to adverse public comment

If the application is significantly altered after it has been received, it is likely that we will have to ask for it to be withdrawn, and to be re-submitted as modified. If we are not able to reach an agreement on this, we will have to deal with the application on the basis of how it was submitted.

## **Refusal**

A refusal may not mean that the proposal is completely unacceptable. The reasons for refusal should give you a clear idea as to what you need to change to give you a better chance of planning permission, if you decide that you want to re-submit the application. Planning staff will be able to advise whether re-submitting the application in a different format will be likely to be worthwhile.

## Re-submission and Fees

If an application is refused, or has been withdrawn, there are provisions in the Fee Regulations for re-submission without payment of a further fee. You will need to check with staff in the Support Unit as to what the exact circumstances are, but basically,

- refused applications may be resubmitted within 12 months of the decision, and
- withdrawn applications may be resubmitted within 12 months of the date of the original submission,

without payment of a further fee. In both cases the application has to be the same character or description, and on the same site. The applicant has also to be the same person or company.

## Appeals

If an application is refused, or if conditions are imposed that you do not agree with, or if the Council has failed to issue a decision within the required period\*, there is the right of appeal to the Planning Inspectorate. Full details of this will either be sent with the decision notice, or can be supplied to you on request. However, where an acceptable negotiated solution is possible, we will do what we can to avoid the need for an appeal.

\* Usually 8 weeks, but there are different rules for some applications. Ask Planning Staff for more detail.

## Contacts / Email addresses

Web site - Home Page

[www.kirklees.gov.uk/planning](http://www.kirklees.gov.uk/planning)

### Area Teams

Development Control East  
Heavy Woollen Area/Kirkburton/Denby Dale etc.

01484\_414746  
planning.contactcentre@kirklees.gov.uk

Development Control West  
Huddersfield, Colne and Holme Valleys etc.

01484\_414746  
planning.contactcentre@kirklees.gov.uk

### Minerals Planning Team

01484 221593  
roy.hamnett@kirklees.gov.uk

**Development Control Support Unit**  
(applications/fees)

01484\_414746  
planning.contactcentre@kirklees.gov.uk

**Building Control**  
(applications for approval under  
the Building Regulations)

01484 221550  
building.control@kirklees.gov.uk