

Parc Cenedlaethol Bannau Brycheiniog Brecon Beacons National Park

PLANNING ADVICE NOTE 4 (September 2008)



Planning applications – how to comment

Public comments on development proposals are encouraged and welcomed, whether for small scale developments e.g. house extensions, or for large scale proposals affecting a whole locality. This page explains how you can best put your views forward on planning applications so that they can be considered before a formal decision on the proposals is made and how you can contribute to the decision making process.

Consultation Process

When a planning application is made we will consult with you in a variety of ways.

- You may have received a notification letter
- You may have seen a site notice
- You may have read about the application in the local press or through statutory press notices
- You may have seen the application whilst looking at the applications on the authority's web site or through our weekly list of applications received.

Before making your observations you should take time to look at the application documents either online (via our web site www.beacons-npa.gov.uk and select the link to go to the planning applications search page) or by making an appointment via the Planning Help Desk to view the file as this will enable you to make an informed assessment of the proposal.

If you are unsure about any aspect of the proposal then you can email your questions to planning.enquiries@beacons-npa.gov.uk. or visit the staff on the planning help desk in person who will be happy to help. You can also use the comments button that is located on the details page of the "online" application screen.

If you would like to receive any independent advice on this or other planning matters then you can contact the Planning Aid Wales Advisory Service, Planning Aid Wales, First Floor, 174 Whitchurch Road, Heath, Cardiff, CF14 3NB, telephone 02920 625000

or via their web site www.planningaidwales.org.uk .

Advice is available only to community groups and individuals that cannot afford to pay for professional help.

Putting your comments in writing

Although you may make your comments/objections known to the Case Officer or any other member of staff by telephone or face-to-face these cannot be given as much weight as written representations. You are strongly advised to formally place your observations in writing, which should be sent to the address given on this page or email them to planning.enquiries@beacons-npa.gov.uk. You can also comment online by finding the application on our website ([application search](#)) and using the comments button. Your comments will be sent directly to the case officer and be attached to the relevant application.

You should remember that any representations you make in writing or by email will be placed on a public file and be published onto our website (including name and address).

If you provide us with personal information (e.g. phone number, email address or signature) we will remove the information from the document prior to publication on the web, however it will still be available to view on the public file at our offices.

The Authority is charged to make a decision on an application within a set timescale – normally eight weeks. Therefore there is a time limit for making your views known and the date before which your representation should be received is given in the notification letter or on or within any site and press notice. Once that date has expired the Authority is legally entitled to make a decision on the application if it so wished or is in a position to do so, however any views received before a decision is made will be taken into consideration.

In the National Park, landscape, amenity, traditional building character and design are particularly important aspects of the public interest in many applications.

Issues such as public safety, pollution or noise disturbance may have some bearing on planning decisions (especially relating to industrial uses) but are generally controlled by other legislation. Moral

views prompted by proposals for such establishments as public houses, betting shops and amusement arcades carry little weight in planning judgments.

Government planning policy guidance states :

'When determining planning applications local planning authorities must take into account any relevant view on planning matters expressed by neighbouring occupiers, local residents and any other third parties. While the substance of local views must be considered, the duty is to decide each case on its planning merits. As a general principle, local opposition or support for a proposal is not, on its own, a reasonable ground for refusing or granting a planning permission;

It is helpful if you give some reasons why you support or oppose the proposal. However those comments must be relevant and based on planning matters.

These include:-

- the proposal's compliance with the adopted Development Plan;
- how the proposal fits in terms of design and use with the surroundings;
- the loss of privacy to adjoining properties;
- the effect on parking, traffic and road safety;
- noise and general disturbance to adjoining residents.

Planning matters **do not include**

- spoiling your view;
- rights to light;
- devaluing your property;
- covenants affecting properties;
- nuisance caused by building work;
- land ownership disputes;
- personal circumstances or character of the applicant;
- moral issues.

Anybody can comment. You do not need to have a direct interest in the application site or be an adjacent owner or occupier. You can support as well as object to a proposal. Remember that all comments received are open to public inspection and may be repeated in public documents and will be published to the website as part of the application file.

Most applications are determined under delegated powers (i.e. by officers). However, where there are written representations, which conflict with the officer's recommendation for example, the Planning Committee normally considers these applications subject to the following safeguards.

Safeguards

- Any decision being in full compliance with the Unitary Development Plan and all other appropriate policies, standards or guidelines.
- Any decisions not being the subject of any unresolved public representations.
- Any decision not being the subject of any unresolved conflicts of advice from other Public Bodies as statutory consultees.
- No Member of the Authority having objected to the application being a delegated decision and requested it to be considered by Committee.
- The matter not being one in respect of which a Member of the Authority or an officer of the Planning Services Department has a prejudicial interest.

Planning Committee

[Committee meetings](#) are held normally every six weeks on a Tuesday morning at our offices in Brecon. The meetings are open to members of the public. Any written comments you make will be included in the written report if the application is to be considered by the Committee. Where those comments are submitted after the reports have been published they will be summarised by the Planning Officer at the meeting.

Speaking at Planning Committee

- If you have made written representations on a planning application (sent to the Planning Team) and wish to speak at the Committee you must advise the Authority (telephone **01874 620431**) giving a minimum of 48hrs
- At the meeting the Chair will announce each item and the planning officer will report on the proposals and the main considerations displaying photos of the site and selected plans.
- The Chair will then invite speakers to address the meeting for a maximum of **3 minutes each**.
- Any objectors will go first, followed by those in support and finally the applicant or their representative.
- The Chair of Planning Committee has the discretion to ensure that any right of reply by an applicant (or nominee) in response to a petition spokesperson speech (which is limited to three minutes) is of a proportionate amount of time.
- Councilors may ask the Planning Officer to clarify certain points raised before reaching their decision.

How decisions are made

Every decision will be made taking into account the following factors –

- whether the proposal complies with the development plan;
- the individual merits of the proposals;
- any relevant comments from consultees.

Your views are therefore only one aspect that is considered and may not override other factors. In law the decision must be made in accordance with the development plan unless material considerations indicate otherwise. Furthermore Government advice is that there should be a general presumption in favour of development unless there are overriding planning objections to it.

Decisions on all applications are recorded on our website (www.beacons-npa.gov.uk) and in the Planning Register which is open for public inspection during office hours.

After the decision

If you have written to the Authority then you will be notified of the decision in writing which will set out the reason for refusal or conditions attached to any approval.

Once a decision is made only the person making the application has the right to appeal either against a refusal or any condition imposed on a permission. Neighbours and other interested parties cannot appeal against the decision.

If an appeal is made then an inspector nominated by the Planning Inspectorate will consider the matter. If you commented on the original planning application then you will be informed of the appeal and be invited to make representations to the Planning Inspectorate. Any comments you made on the original application will have already been forwarded to the Inspector. Further information about the appeal process is available from the Planning Help Desk and contained in [Planning Advice Note 13](#).

Commencement of works

Once the development has commenced or completed if you believe it is not in accordance with the approved plans or conditions then please advise the us in writing, email the Development Control Team (planning.enquiries@beacons-npa.gov.uk) and an officer will check the situation. This may require a visit to the site. Your request for us to investigate will be kept confidential and we will get back to you advising you of the action the Council propose to take.

Making a complaint

If you feel the proper procedures have not been followed by the Authority in making the decision then you can make a formal complaint. Please submit your complaint in writing to:-

The Chief Executive
Brecon Beacons National Park Authority
Plas y Ffynnon,
Cambrian Way,
Brecon, LD3 7HP

Who else can I complain to?

If you are unhappy with the way the Authority investigates your complaint you can ask the Local Government Ombudsman to investigate whether maladministration has occurred. The Ombudsman however cannot consider the planning merits of the proposal.

The Local Government Ombudsman is independent and can investigate complaints about most local authority matters. The Local Government Ombudsman has a leaflet called "How to complain about a public body" You can get a copy by telephoning or writing to the address below, or you can download it from the Ombudsman's website at www.ombudsman-wales.org.uk .

Contact details for the Ombudsman are:-

Public Services Ombudsman For Wales,
1 Ffordd yr Hen Gae,
Pencoed,
CF35 5LJ

Tel: 0300 790 0203

Fax: (01656) 641 199

Email: ask@ombudsman-wales.org.uk

For further information contact:

www.beacons-npa.gov.uk

Brecon Beacons National Park Authority
Plas y Ffynnon, Cambrian Way, Brecon, LD3 7HP
Tel: (01874) 624437

E-mail: planning.enquiries@beacons-npa.gov.uk