

ADVICE ABOUT THE INFORMATION REQUIRED TO ACHIEVE A VALID APPLICATION (LOCAL LIST)

1.0 INTRODUCTION

- 1.1 This 'Local List' has been prepared in accordance with *Planning Policy Statement 12: Local development frameworks* and *Guidance on information requirements and validation*. It replaces all earlier editions and has been updated to take account of experience gained by applicants, agents and both Councils whilst using earlier editions, legislation and guidance published by central Government.
- 1.2 Its aims and objectives are:
- to comply with *SI 2184/2010 – The Town and Country Planning (Development Management Procedure) (England) Order 2010*
 - to comply with *Guidance on information requirements and validation* (published March 2010 by Department for Communities and Local Government – www.communities.gov.uk)
 - to provide guidance and create certainty for applicants and agents by setting out clearly what information is required to create a valid application
 - to create a 'level playing field' for all applicants and agents
 - to assist interested parties in their consideration of applications by ensuring that each application contains a basic level of consistent information
 - to minimise the number of invalid applications received and minimise the need to request additional information either before or after registration of an application
 - to improve determination times for applications in accordance with central Government targets.

Notes:

- Failure to submit the information required by the 'Local List' is likely to result in an application being treated as invalid under the Town and Country Planning (Development Management Procedure) (England) Order 2010.
- The 'Local List' is not intended to be unduly prescriptive. An element of discretion and proportionality is allowed for – we recognise that not all applications will require the same level of supporting information. Should an applicant or agent consider that particular information is not relevant for a specific application, we will consider the reasons put forward and respond accordingly.
- In addition to this 'Local List' we have produced a number of guidance notes on specific planning issues (e.g. alterations to listed buildings, agricultural workers dwellings) which should also be taken into account before an application is submitted.

2.0 RECEIPT AND VALIDATION OF APPLICATIONS

- 2.1 The information required to make a valid application consists of:
- the mandatory national information requirements specified in The Town and Country Planning (Development Management Procedure) (England) Order 2010
 - the information provided on the national standard application form
 - the information specified by the local planning authority in their 'local list of information requirements'.
- 2.2 Applications can be:
- submitted electronically through the Planning Portal (www.planningportal.gov.uk) (all drawings and supporting documents submitted electronically must be in PDF format)
 - posted to the relevant Council
 - hand-delivered to the relevant Council office or community office.

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- 2.3 Our aim is to determine whether an application is valid within 3 working days from the date of receipt (or 10 working days in the case of a major application). All applications received by 4pm (TDC) or 5pm (NDC) will be dated that day.
- 2.4 The date a valid application is received is the start date. This is day 0. The statutory period for determination starts on day 0. Upon registration of a valid application an acknowledgement letter will be sent to the applicant or agent.
- 2.5 When an application is registered it will be linked to the planning pages of our web-sites. All of the information provided on the application form and in all of the associated plans, drawings and supporting information should be in the public domain and will, therefore, be published on our web sites. Only supporting documents that are clearly marked as 'confidential' will not be placed on our web sites or in a folder that the public may view.

Note: we reserve the right to amend the description of the proposal. If an applicant or agent does not agree with a revised description they should contact the case officer within seven days of the date on our acknowledgement letter.

3.0 INVALID APPLICATIONS

- 3.1 An application is invalid if:
- the Standard Application Form has not been completed correctly
 - the correct fee has not been provided
 - the necessary plans, drawings and supplementary information identified in the 'Local List' have not been provided or are inadequate.
- 3.2 If an application is invalid, we will contact the applicant or agent (by phone, by e-mail or by letter) to explain what is required to create a valid application. If we do not receive the information we have requested within 21 days the application will be withdrawn and any fees paid refunded (unless the applicant or agent has requested and we have agreed a time extension).

Note: right to appeal – if we do not register an application the applicant or agent might be able to appeal to the Planning Inspectorate (www.planning-inspectorate.gov.uk) against non-determination of that application.

4.0 REGISTERED APPLICATIONS – REQUESTS FOR ADDITIONAL INFORMATION

- 4.1 Notwithstanding the successful registration of an application, if it is considered that additional information is required before a determination can be made we may formally request that information during the course of the application.

5.0 GENERAL ADVICE TO APPLICANTS AND AGENTS

- 5.1 Where an agent has been employed, all communications about an application will be made with that agent. This will save time and avoid confusion.

Note: full applicant details should be provided (i.e. full name and postal address). If this information is not provided then the agent should explain why the information has been withheld.

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Pre-Application Discussions – Major Applications

- 5.2 An application is classed as major if:
- it is for 10 or more dwellings
 - has a proposed residential site area of 0.5 hectare (or more)
 - proposes the creation of 1000m² (or more) of floor space
 - has a non-residential site area of 1 hectare (or more).
- 5.3 If this is the case we expect that applicants and agents will discuss their proposals with relevant consultees the community and us before submitting an application.

Note: given the size and complexity of major applications we expect to receive three paper copies of a major application (even if it is submitted via the Planning Portal). Where more than one Parish/Town Council will be consulted additional paper copies may be required.

Pre-Application Discussions – Other Applications

- 5.4 We recommend that applicants and agents discuss their proposals with us prior to the submission of their application. We also recommend that they tell neighbours about their intention to submit an application.

Signing of Certificates (for applications submitted on paper and not through the Planning Portal)

- 5.5 We recommend that agents require their clients to sign the ownership certificates. This will ensure that the agent will be protected from committing a criminal offence under Section 65(6) of the Act. This Section states that if any person recklessly issues a certificate, which contains a statement that is false or misleading, they shall be guilty of an offence. Unless an agent has actually investigated the title to the property, and can therefore sign with surety, the Courts might conclude that the agent has recklessly issued a certificate.
- 5.6 If the agent does sign the certificates on their clients' behalf, then an individual must sign the certificates. **Writing or typing a company name is not acceptable.** It is recognised that when the agent signs a certificate they are doing so as an employee of the company they work for and not in a personal capacity.

Building Control

- 5.7 Building and planning legislation are entirely separate. Please contact NDC Building Control Unit on 01271 388282 or TDC Building Control on 01237 428724 to check if their approval is also required for the proposal.