



BOROUGH OF BROXBOURNE

A CUSTOMER CHARTER FOR DEVELOPMENT CONTROL

1. The Charter - its Purpose

The Council wishes to promote good planning practice and ensure that the needs of the users and customers of the planning system are properly recognised.

Development Control is the positive means of enhancing and protecting our environment, whilst allowing the development necessary for our economic and social well being to take place in an appropriate way. Most people become involved in the development control process, either as an applicant for planning permission or as someone affected by a development which is proposed or has taken place. It is essential that the various customers of this service clearly understand what they can expect from it.

The practices and standards described in the Charter are intended to ensure that this Council adopts high standards of service, publicises what they are and monitors their achievements.

2. Service and Quality

Development Control is also a service to local communities. Its objective is to ensure that changes to our physical surroundings - buildings and land - are right for their purpose and location. A framework for development is set out in Government planning policy guidance (known as PPGs), and in more detail in the Borough of Broxbourne Local Plan Review. Planning applications are considered against this framework (with particular weight given to the Local Plan Review) and any other material factors. Whilst efficiency and speed of decision making are important factors, the aim is to make the best decision about each application, not necessarily the quickest. This means taking account of the impact of a proposal on the environment and on the interests of the community. It may also mean balancing the needs of the applicant against the effects a development might have on neighbours and other people living or working nearby.

Applicants, neighbours and the public generally are all customers of the development control service. Many have little or no experience of how the system works. They must be treated positively, courteously and equally. As with the Charter itself all letters and documents relating to development control will be written in plain language and the service will recognise the needs of ethnic and minority groups.

3. Pre-Application Discussion: Seeking Information and Advice

- **Informal pre-application discussions will be provided on request.** For more simple proposals for example those involving householder developments, informal, pre-

application advice can be obtained either in person or over the telephone by the Council's duty planning officer. There is such an officer available without appointment at the Planning Reception, Level 3, Bishops College between 9.00am and 5.00pm Mondays to Fridays. In the case of more complex proposals, it may be preferable to make an appointment to ensure that enquiries can be dealt with more promptly and effectively

- **All meetings undertaken at pre-application stage are treated confidentially.** The Council will not make any minutes of these meetings available to third parties.
- **Written requests for pre-application advice are equally welcome and a response will normally be made within 5 working days.** The advice given will be accurate and objective, based on the information provided, but will be without prejudice to the formal consideration of a planning application. On request, and where possible from the details provided, advice in writing will be given to prospective applicants about the anticipated outcome of an application.
- **Requests for written confirmation of the need for planning permission will receive informal written advice.** However customers will be invited to submit an application for a Certificate of Lawful Existing or Proposed Development if they require the Council's formal view. The reason for this is to ensure consistency and certainty of advice, and to avoid confusion or delay in the event of a future sale of the property.
- **Advice notes will be made available on how to make a planning application and on the Council's requirements for common kinds of development.** These will explain how an application is submitted and considered, people's rights of access to information and documentation, how the decision is made, and the standards of development quality the Council expects.
- **An information leaflet on planning fees will be provided with application forms**
- **Copies of the Council's planning policies and other relevant documents will be made available, as will general leaflets on the development control system and information about Council procedures, and Committee dates and membership.** If requested, advice will also be given, where known, on the other approvals or consents, which may be necessary, or on other steps that may need to be taken.
- **Advice is available without appointment between 9.30am and 10.30 am at the Hoddesdon One Stop Shop on Mondays and at the Waltham Cross One Stop Shop on Wednesdays.**

4. Submitting a Planning Application

- **Help or advice will be available in the Planning Reception from the duty planning officer on preparing the application, completing the form, explaining the planning fees, and explaining the Council's policies, standards and guidance.** However it is the applicant's responsibility to make sure that the application is submitted correctly.
- **Valid applications will be registered and acknowledged within 2 working days.**

- **The statutory acknowledgement letter will indicate the time limit by which the Council will aim to determine the application.**
- **If the application is found to be invalid, a written explanation of how this deficiency can be corrected will be sent to the applicant or agent.** A time limit of 21 days from the date of the letter will be given for the return of the information, and the implications of non-receipt will be explained. All correspondence, discussions and negotiations about the application will take place directly with the applicant, or an agent if used.

5. Notifying the Public: Making Comments

- **Details of all current planning applications and past decisions are listed in the Statutory Register.** These will be available for inspection by the public during office hours at the Planning Reception.
- **Copies of valid applications will be placed in the Register within 2 working days of receipt.**
- **Information about new planning applications will be provided weekly and can be inspected at the Planning Reception, One Stop Shops and on the Council's web site www.broxbourne.gov.uk.**
- **The Council will undertake publicity for applications in accordance with its adopted notification policy.** Copies of this will be made available at the Planning Reception.
- **A duty planner will be available at the Planning Reception (*between 9.00am and 5.00pm Monday to Friday*) to give general planning advice and assistance.** Officers dealing with specific applications will be available by appointment, during office hours. Those people notified about a planning application will be advised how they can make written comments upon it, and on which matters are relevant to the consideration of planning applications.
- **A period of 21 days from the date of our notification letter will be allowed for written responses on planning applications.**
- **Comments may be sent electronically, via e-mail to planning@broxbourne.gov.uk.**
- **If material amendments are made to the application, neighbours will be re-notified and normally allowed 7 days for further comment,** dependent on the nature of the revisions and the original response received.
- **Letters commenting on applications will only receive an acknowledgement if they are accompanied by a stamped self-addressed envelope.** Specific questions cannot be replied to due to the volume of correspondence received. Relevant written comments will be taken into account before the decision on an application is reached.

- **Following determination of the application, notification of the Council's decision will be sent.** The Council cannot reject a proposal simply because a number of people are against it. They can only consider objections which are relevant to planning issues.

6. Dealing with an Application

- **The case officer will make an early visit to the site.** In normal circumstances, the officer will not contact the applicant or agent prior to a site visit. However, if access is required but not possible, appropriate arrangements will be sought.
- **Where it is clear from the outset that additional information is required, the reasons for this, will be dispatched to the applicant or agent.** A time limit of 14 days from the date of the letter will be given for the return of the information, and the implications of non-receipt will be explained. If the need for further information arises while the application is being dealt with the applicant will be notified immediately of that need and the reasons for it.
- **If the proposal is unacceptable as submitted but amendments could be made to overcome its deficiencies, suggestions for these will be made to the applicant, with a time limit for their return.** In such circumstances more time may be needed to consider a revised application before a decision can be made.
- **Where, in the Council's view, sufficient objections exist, applications will be likely to be refused without further reference to an applicant or agent.** The Council is always mindful of its responsibility, imposed by Central Government, to determine planning applications within in accordance with statutory timescales. All applications will be dealt with as quickly as possible, and the applicant will be informed on request, about their progress.
- **For the most simple and non-contentious applications the Council may decide to utilise its 'Fast Track' procedure.** Applicants for the most minor development proposals are encouraged to submit photographs in support of their application and where no objections are received from neighbours and the Council considers it appropriate, such applications will be dealt with immediately upon the expiry of the statutory consultation period.
- **The Council will consider each application in light of all submitted comments from neighbours and other consultees.** However the Council is legally obliged to base its decisions on land-use planning considerations only and not on non planning matters such as alleged loss of property value or infringement of private legal rights.

7. Making the Decision

- **The Council has adopted a scheme under which certain kinds of applications can be dealt with under powers delegated to the Director of Environmental Services, either with or without prior consultation with the Chairman of Planning and Licensing Committee.** That scheme will be incorporated in the Council's Standing Orders. The Planning and Licensing Committee will decide all other applications.

- **Once a decision has been made the decision notice will be dispatched to the applicant (or to the agent if there is one) within 2 working days.** Any conditions attached to a permission, any reasons for refusal, and any additional information or advice will be set out clearly and the reasons for them explained.
- **If planning permission is refused, the applicant's right of appeal will be explained.**
- **If as part of a planning permission, a planning obligation is required, the applicant will be notified at the earliest opportunity. Negotiations over the form and content of the agreement can then be conducted whilst the application is being processed.** A final decision may not be made until the applicant and other relevant parties have entered into a formal planning agreement or obligation.
- **Information about planning applications and decisions will be available at the Planning Reception Desk and/ or One Stop Shop.**
- **Copies of planning decision notices will be placed in the Planning Reception within 2 working days of the date of decision.**

8. Monitoring Development

Once full planning permission has been given the applicant may need to submit for further approval by the Council details of the development relevant to the conditions attached to the permission. Approval must be sought before development can take place.

- **In the case of straightforward matters, such as materials to be used, a written decision will be issued, or a request for further information will be made, within 10 working days of receipt.**
- **In the case of more complex matters, such as landscaping schemes, most decisions will be issued within 20 working days.**

Development must be carried out in accordance with the planning permission, and any conditions imposed. It is the applicant's responsibility to inform the Council in writing if any changes are proposed - this should be clearly stated by letter and on properly amended drawings. Revisions may be acceptable as minor amendments to the permission, and will be notified through an exchange of correspondence, or if more significant they may require the submission of a fresh planning application.

9. Enforcing Planning Control

Most people make sure that they have the necessary permission from the Council before commencing development work. Sometimes, however, unauthorised work is started, either in ignorance or deliberately without permission.

Under the law the Council has discretion as to whether or not enforcement proceedings would be expedient or appropriate. The Council will focus on breaches of planning control which are significant but may resolve not to pursue a complaint where a breach is deemed trivial or technical.

Depending on the nature of the breach and the harm to local amenity one of several courses of action may be appropriate, for example:

- *take no further action*
 - *monitor the situation*
 - *seek a planning application to regularise the use or works, either as carried out, or with modifications*
 - *take formal action to remove or alter building works, or stop the use*
- **Upon receipt of an enforcement complaint, an officer will visit the site within 3 working days.** An assessment will then be made of whether there has been a breach of planning control and if so, whether it is expedient to take enforcement action.
 - **For written complaints (where not anonymous), an acknowledgement letter will be sent to the complainant providing a complaint reference number and the name of the officer investigating the complaint.** The acknowledgement will be followed by written updates as appropriate to keep the complainant informed of progress.
 - **For verbal complaints, (where not anonymous), verbal updates will be provided by the officer investigating.**
 - **Anonymous complaints of a serious nature will be investigated but for evidential reasons it is always preferable for the Council to have a named complainant.**
 - **The Council will never knowingly disclose to any party, the identity of an enforcement complainant.**

10. Complaints and Performance

If any problems arise in the operation of the service the Council has an adopted complaints system. This could involve an informal or a formal approach or both. An informal verbal or written approach could be made to the officer dealing with the matter, or to his / her Manager. If the complainant is not satisfied after this has been done, a formal complaint could be made.

If the complainant remains dissatisfied with the way in which the Council has handled the matter, the customer may refer the matter to the Local Government Ombudsman.

The Council will provide leaflets at the Planning Reception explaining how to complain both to the Council itself and to the Ombudsman.

11. Summary of Timescale Targets

Task	Timescale
Registration and acknowledgement of valid planning applications	2 working days from receipt
Placing of valid planning applications and decisions on public inspection at Planning Reception and One Stop	2 working days from receipt or decision

Shops	
Response to simple written enquiries (including e-mail)	10 working days from receipt
Response to complex written enquiries (including e-mail)	20 working days from receipt
Site investigation of enforcement complaints	3 working days from receipt
Issue of planning decision notices following a decision	2 working days from decision