

PLANNING ADVICE

Commenting on a planning application



Introduction

Development affects us all, so it is important that everyone has the opportunity to know about what is happening in their area and how it may affect them. The planning system exists to make sure that development proposals are acceptable, and important considerations in making these decisions are the views of local residents, businesses and community groups. This advice note sets out how you can get involved in the planning application process.

How can I find out about planning applications?

The Authority publicises planning applications through a variety of methods:

Site notice – In most cases a site notice will be displayed at or near to the location of the proposed development. This will state the name of the applicant and the description of development. It will also give a deadline by which to submit comments to the Authority (normally 21 days from the date of the notice);

Newspaper advertisements – Some application types require an advertisement to be placed in a local newspaper paper. Examples include applications that are contrary to planning policies, affect a public right of way, have significant environmental effects, and some proposals that affect a listed building or conservation area. This advertisement would be within the Craven Herald, Darlington & Stockton Times, Westmorland Gazette, Lancaster Guardian or the Cumberland & Westmorland Herald according to where in the National Park the application is. Please note that not all applications are required to be advertised in this way;

Neighbour notification – Letters may be sent to neighbouring properties within 20m of development if we consider they may be affected by a proposal;

Consultees – The Authority will also consult various other organisations, such as Parish Councils & Parish Meetings, Highways Authorities and any other bodies with an interest in the proposed development. Some Parish Councils & Parish Meetings will display details of planning applications on their Parish Notice Boards;

Website – The Authority's website contains an [online search facility](#) of all applications within the National Park. This information is updated daily.

How do I find out more about a proposal?

Full details of individual applications can be found via the [online search facility](#) on the Authority's website. You will be able to view the application forms, plans and any other information submitted with the application.

Alternatively, applications can be viewed by appointment at either our Colvend (Grassington) or Yoredale (Bainbridge) offices. Copies of all applications are also lodged with Parish Councils & Parish Meetings and so may be available to view locally by arrangement with the Parish Clerk.

How do I make comments on a proposal?

All comments should be made in writing, either by way of a letter or through e-mail. Contact details can be found at the end of this advice note. Comments can also be made directly from the [online search facility](#) on our website.

You should normally make all comments within 21 days of the date you were notified, whether by way of site notice, letter or newspaper advertisement. We will acknowledge your correspondence and inform you of the outcome of the application.

Please note that any comments you make can be viewed by the applicant and are also publicly available to anyone wishing to view the application file. It will not be possible to consider confidential representations.

NB: A fastrack appeal process has been introduced for householder and minor commercial permissions which means if the applicant appeals the decision you will not get another opportunity to comment.

What if I have questions about a proposal?

If having viewed the application details you wish to ask further questions about the proposal, you should ask to speak to the Planning Officer who is dealing with the case. The name of the relevant Planning Officer will be stated on any correspondence and on our website. Alternatively if your query is more general in nature, our Planning Assistants or Planning Technicians may be able to assist.

What can I comment on?

You must confine your comments to matters that are relevant to planning. These matters are often referred to as 'material considerations' and are factors that can be taken into account when the Authority decide whether to approve or refuse an application. Matters such as design, noise disturbance, loss of privacy, overshadowing/loss of light, overbearing impact, highways/access difficulties and impact on the character of a locality are all examples of material planning considerations.

Case law has consistently found that matters such as impact on private views, property values, commercial competition and personal disputes are **not** material planning considerations that can be given any weight in making a decision. Similarly, you should avoid commenting on matters that are covered by civil law (eg. boundary disputes) or other legislation.

Please note that objecting to or supporting an application does not necessarily mean that it will be determined in accordance with your wishes. The Authority must weigh up all views and considerations in arriving at a decision.

Delegated decisions

The vast majority of applications are determined under 'delegated powers'. In assessing each application, the Planning Officer will take account of all representations made and will summarise these in his/her report. They will then arrive at a recommendation to approve or refuse the application based on these representations and the policies contained within the

Yorkshire Dales Local Plan. A delegated decision will then be issued by the Head of Development Management.

Applications that go to Committee

In a minority of cases, planning applications will be referred to [Planning Committee](#) for a decision. Circumstances where applications may be referred to Committee include those that are particularly high profile or controversial, or where the Planning Officer's recommendation is contrary to that of a statutory consultee or a Parish Council (where a relevant planning reason has been given).

Planning Committee is held on the second Tuesday of the month (except for January) and is made up of appointed Members of the Authority (County Council, District Council and Secretary of State Appointees, including Parish Council Appointees).

If you have made representations about an application, we will inform you if the application is then to be referred to Committee. You will have the opportunity to address the Committee, provided you inform us of your wish to do so by 9.30am on the Friday before the Committee meeting. You will be allocated three minutes to speak, unless you form part of a larger group, in which case a spokesperson should be appointed to represent all members of the group.

Please note that even if you do not wish to speak at Committee, your written objection will still be taken into account by the Planning Officer in arriving at their recommendation. The nature of your objection will be summarised within the officer's Committee Report but will be available in full to all Committee Members in their background papers for the meeting.

The Officer's report will be made available at least five working days prior to the date of the meeting. You can access these reports and the full agenda on our [Planning Committee](#) page on our website or at our Grassington and Bainbridge offices.

Members of the public are welcome to attend Committee meetings and may also make their views known at the meeting, provided they notify the Authority of their wish to do so by 9.30am on the Friday before the Committee meeting. The Planning Officer will make a verbal presentation using photographs of the site, outlining the application and the issues raised. The application will then be debated by the Committee and a resolution to approve, refuse or defer the application will be made. Deferrals are sometimes made to enable Members of the Committee to attend a site visit or where further information is required.

If the Committee resolve to determine an application contrary to adopted policy or the Planning Officer's recommendation, it will be subject to the 'reference back' procedure. This means that the application will be reported to the next Planning Committee so that the reasons for the decision can be discussed and recorded before the final decision is issued. This process ensures transparency and accountability in the decision making process.

How will I find out about the Authority's decision?

If you make representations on an application, you will receive a letter confirming the target date for a decision and a copy of the decision notice should be available on our website after that date. The decision notice will list the reasons for refusal or approval, and in the case of approvals, the conditions it is subject to. You can also find out about decisions using our [online search facility](#) or by telephoning the Planning Department.

What happens after the decision?

There is no right of appeal for third parties should you be unhappy with Authority's decision on planning grounds. If you are dissatisfied with the way in which the application was processed or publicised, you may write a letter of complaint to the Head of Development Management in the first instance. If you are not satisfied with the Authority's response, you can complain to the [Local Government Ombudsman](#). Please note that it is not the Ombudsman's role to consider the planning merits of a case - they can only consider complaints pertaining to maladministration in the way the application was dealt with.

If the Authority issues a refusal, the applicant may lodge an appeal against our decision. The Government body responsible for dealing with appeals is the [Planning Inspectorate](#). If you have previously made comments on an application that is then the subject of an appeal, you will be told that the appeal has been lodged. The case is then passed to the Planning Inspectorate for determination, and all further enquiries should be directed to them.

NB: A fastrack appeal process has been introduced for householder and minor commercial permissions which means if the applicant appeals the decision you will not get another opportunity to comment.

If you suspect a development is proceeding contrary to the approved details or any of the conditions attached, you should report this to the Authority's Enforcement Officers.

Contact details

Telephone

Planning Technicians – (for help with submitting, validating planning applications and paying fees)
Tel. 01969 652345

Area Planning Teams – (for pre-application advice and current application queries)

North Team (Eden, Richmondshire and the South Lakeland parishes of Dent, Garsdale and Sedbergh)
Tel. 01969 652349

South Team (Craven, Lancaster and all South Lakeland parishes apart from Dent, Garsdale and Sedbergh)
Tel. 01969 652350

Enforcement Team (for enforcement queries in all areas)
Tel 01969 652346

Post

Planning Department
Yorkshire Dales National Park Authority
Yoredale
Bainbridge
Leyburn
North Yorkshire DL8 3EL

Fax

01969 652399

E-mail

planning@yorkshiredales.org.uk

Websites

Yorkshire Dales National Park Authority: www.yorkshiredales.org.uk

Planning Portal: <http://www.planningportal.co.uk/>

Planning Inspectorate: www.planning-inspectorate.gov.uk

Local Government Ombudsman: www.lgo.org.uk