

Committee: FINANCE & RESOURCES
Date: 27 September 2022

Report: CHARGING FOR PLANNING ADVICE

Purpose of the report

1. To seek approval to make increases to the current charges for pre-application planning advice.

RECOMMENDATION

2. It is recommended that Members approve the new charges for pre-application advice, as set out in **Annex B**.

Strategic Planning Framework

3. The information and recommendations contained in this report are consistent with the Authority's statutory purposes and its approved strategic planning framework:

Corporate Plan objectives:

Objective 28. Provide an efficient development management service that supports appropriate opportunities for economic and community development whilst helping to conserve and enhance the special qualities of the National Park, including ensuring that 65% of minor and 80% of 'other' planning applications are being determined within eight weeks and at least 80% of applicants are satisfied with the service provided.

Background

4. Section 93 of the Local Government Act 2003 gives local planning authorities a discretionary power to charge for providing pre-application planning advice. Charges may be set at whatever level the Authority sees fit, providing the charge does not exceed the cost of providing it. This section also provides a statutory basis to allow a planning authority to grant exemptions from charging.
5. Such charges are now the norm in local planning authorities, and have been in place at the Authority since 2014. In 2017, the power to make changes to the fees was

delegated to the Director of Conservation and Community, subject to the following principles:

- Fees should be set at a level that is not prohibitive and which should not deter most applicants or professional agents from seeking advice.
- The scale of fees should reflect the administrative costs and the staff time taken to process enquiries. However, fees are not intended to recover the whole cost of providing the Development Management service. The purpose is to generate some additional income to help maintain resources within the service.
- Fees should be simple and easy to understand.
- Fees for specific types of development should be at a fixed rate with additional 'follow up' work (e.g. further meetings, site visits etc) charged at an hourly rate.
- The fees should be reviewed every 12 months (as other charges are).

Current service

6. The service involves producing a formal, report-type response. For major and 'intermediate' scale proposals customers can choose the level of advice that they require. The 'Service A' report is a desk-based assessment undertaken by the planning officer. The 'Service B' report is more comprehensive and, therefore, attracts a higher fee. It includes a site visit and a meeting, as well as advice from the relevant Authority specialists (e.g. archaeologists, ecologists etc). Follow up advice and meetings are charged at an hourly rate. The desk-based Service A only is provided for the more straightforward, smaller scale development. More details of the current service are set out in **Annex A**, which is a copy of the website text.
7. The reports have a set format; cover all relevant planning policy, development constraints, advice from the Authority's experts, planning advice on the proposal and guidance on what needs to go into the planning application. Each report is checked and countersigned by a senior officer to ensure that the advice is comprehensive, accurate and consistent. This represents a significant improvement on the type of service delivered prior to the introduction of charging but requires officers to dedicate a significant amount of their time to attending meetings and producing the reports promptly.

Consideration

8. Fees for pre-application advice have been unchanged since 2017 – initially because of extremely low rates of inflation, and latterly because of the impacts of Covid, and the desire to support the recovery of the local economy. As a result, this year's review has highlighted that the current levels of fees are now:
 - a. a long way from covering the costs of providing the service; and,
 - b. a long way below the costs being charged by all the constituent district councils
9. Given the pressures on both the Development Management service specifically, and the finances of the Authority more generally (as a result of 12 years with no increase in core grant), the service is unsustainable at the current fee level.

10. As set out in para 5, the Director of Conservation and Community is delegated to set fee levels. However, given the scale of the proposed increases, it is appropriate that the decision be taken by Members of this Committee.
11. The proposed costs set out in **Annex B** have been calculated based on the standard time input of the various officers involved, and then adjusted to take account of the principles set out in para 5 above. Whilst the proposed increases are significant, Members should note that:
- a. The charges are still below the full costs of providing the service; and,
 - b. The charges are largely below those charged by the five constituent district councils
12. Members should note that the previous pre-application advice charges for small householder development have been discontinued. Advice to residents for such applications has returned to being free of charge via the regular 'Planning Surgeries' held at the Authority's offices and by video-conference.

Conclusion

13. The pre-application advice service is an important element of the wider Development Management Service. However, it is an optional service, and in the current financial climate, it is essential that the Authority is able to recoup reasonable costs.

Gary Smith
Director of Conservation and Community

14 September 2022

Permitted Development Enquiry Service – Do I need planning permission?

Many types of minor development are classed as ‘permitted development’. This means they do not require a planning application. These can include small extensions or alterations to houses or small scale farm developments. The permitted development regulations are quite complicated, for a fee of **£30** (including VAT) we can confirm in writing whether your proposal is ‘permitted development’ or if a planning application is required. For extensions, curtilage buildings and renewable energy please email the relevant enquiry form, for other proposals please send a detailed email outlining your proposal and giving the address of the property. Emails should be sent to planning@yorkshiredales.org.uk. We will provide a written response within 10 working days of receipt of the completed enquiry form or email and fee.

Extensions enquiry form
 Curtilage buildings enquiry form
 Renewable energy enquiry form

General guidance on whether planning permission is required can be found on the Planning Portal website : <https://www.planningportal.co.uk/>

However, the onus is on the homeowner to satisfy themselves that the development they intend to undertake does not require planning permission. Development carried out without the benefit of planning permission may be liable to enforcement action by the Authority.

Pre-application Advice Service – advice on your proposal before you submit a planning application

The Government encourages developers to seek advice before they submit a planning application. Doing this allows planning officers to give advice on any potential problems, or add value to proposals. This ‘front-loading’ of the planning application process allows applications to be dealt with more quickly and reduces the likelihood of permission being refused.

Planning Advice Surgeries

Residents can obtain verbal planning advice on householder or small-scale development proposals at our Planning Advice Surgeries. These are regularly held either in our offices or by video conference. To make an appointment please call : 01969 652349 (north of Park) or 01969 652350 (south of Park) or email: planning@yorkshiredales.org.uk

Pre-application Advice Reports

For all non-householder development, we provide written pre-application planning advice. This is detailed professional advice and we charge a fee that is calculated in relation to the cost to the Authority (in staff time and associated costs) of providing the service.

For larger scale proposals (Major development and Intermediate scale development see categories below) we provide two types of service:

Service A – This is a thorough desk-based assessment of the proposal and will include:

- a check on information we hold on constraints affecting your proposal
- an assessment of the relevant national and local planning policy and guidance, insofar as it relates to the proposal
- advice on the likely material considerations and how they might be addressed

We aim to provide you with a complete report within 15 working days.

Service B – A complete assessment including the service A elements above and also:

- a visit to the site by a Planning Officer
- advice from relevant YDNPA experts such as archaeologists, ecologists and listed building advisers
- a meeting with the Planning Officer if requested

As this service includes a site visit and potentially a meeting we aim to provide a completed report within 20 working days.

Please note that for Small Scale development we only provide Service A.

In addition to these services we provide advice on proposals affecting Listed Buildings. We will provide a desk based assessment of Listed Building proposals that will include advice from our heritage experts. A site visit will be undertaken but only where necessary to consider internal works.

Please note that pre-application enquiries will be treated confidentially, however if a request is made under the Freedom of Information Act 2000 or Environmental Information Regulations 2004 we may be obliged to reveal some details of your enquiry. If your enquiry includes information that is of particular importance to you that you wish to be kept confidential (eg. personal, financial or commercially sensitive data) please draw attention to it in your enquiry. Please be aware that if your enquiry requires an officer to visit the site it is unlikely that this could be undertaken without the knowledge of neighbours or landowners.

There are no standard forms for submitting Service A or B enquiries. Please consider including the following information when submitting a pre-application enquiry:

Location plan.

Diagram/Sketch of the proposal, with any measurements preferably in metric units.

Annotations are welcome.

Description of the proposal.

Photographs of the development site/property (where appropriate).

Fees

DEVELOPMENT CATEGORY

Major development

Major development is:

- Creation of 10+ dwellings*
- New buildings of more than 1,000sqm floorspace*
- Development of a site of more than 1ha*
- Development requiring an Environmental Impact Assessment*

Intermediate Scale development

Intermediate development is:

- Creation of 3 – 9 dwellings*
- New buildings between 500sqm and 1000sqm floorspace*
- Change of use of buildings over 500sqm*
- Development of a site between 0.5ha and 1ha*

Small Scale development:

Small scale development is :

- Creation of 1 or 2 dwellings (including conversions, new build and reoccupation)*
- Change of use of buildings up to 500sqm*
- New buildings and non-residential extensions up to 500sqm*
- Signs and advertisements*
- S106 modifications and LDC proposals*
- Non-domestic renewable energy schemes*
- Remodelling caravan/camping sites not entailing an extension to the site*

Listed building advice

Follow-up advice

If you need more advice on a significantly amended scheme after receiving a Service B response, the fee charged will be the Service A rate for that category of development.

Exemptions

We provide free informal verbal advice for householder proposals, small business proposals and minor agricultural development (ie not falling within categories B and C) by appointment at a planning surgery

Minerals development

Minerals planning is a highly specialised field of the planning profession. Pre-application advice for minerals extraction and quarry development is available on the basis of a flat rate fee for the amount of written advice, site visits and meetings as is agreed with the applicant to be necessary.

PROPOSED FEES FOR PRE-APPLICATION PLANNING ADVICE AND COMPARISON WITH CONSTITUENT AUTHORITIES

	YDNPA	Lancaster City Council	South Lakeland District Council	Eden District Council	Craven District Council*	Richmondshire District Council
Do I need permission?	£35	Web info only	Web info only	£30	Web info only	n/a
Major development	£370/£750	£450-£1500	£1,224	£1,080	£1,389	n/a
Intermediate development	£340/600	£350	£612	£720	£694	n/a
Small-scale development	£240	£250	£244	£288	£300	n/a
Listed Buildings	£120	£50	£120	N/A	£300	n/a

All prices include VAT.