

DEVELOPMENT MANAGEMENT CHARTER

Introduction

The Yorkshire Dales National Park Authority is the local planning authority for the whole of the National Park.

This Charter explains what you can normally expect from our Development Management Service.

Our aim is to deliver a positive and proactive approach to delivering sustainable development. We focus on getting good new development and not just preventing the worst forms of new development. We do this by working in partnership with developers, residents, parish councils and statutory bodies.

We must comply with rules set out in legislation and in Government guidance for how the planning application process is managed. We must also meet Government performance targets for the speed and quality of decision making and also our statutory purpose to conserve the natural beauty, wildlife and cultural heritage of the National Park.

Pre-application advice

The Authority provides pre-application planning advice in two ways. Formal written advice is provided for larger forms of development and free verbal advice is available to residents and local businesses by making an appointment at one of our Planning Surgeries. Details can be found using this link:

<https://www.yorkshiredales.org.uk/planning/planning-advice-service/>

For written advice we aim to provide a professional opinion on the issues raised by your proposal together with advice on how problematic issues can be resolved. For written advice without a site visit (Service A) we aim to provide a response within **21 days** and for advice with a site visit (Service B) within **28 days**.

How we deal with planning applications

How long will it take?

We aim to determine non-major planning applications within 8 weeks and proposals for major and EIA development within 13 and 16 weeks respectively which are the 'statutory periods' set by Government for dealing with applications. The Authority must report its performance against these targets to Government and will be sanctioned if it fails to meet them.

Extensions to these time limits can be agreed between the Authority and the applicant where it would support constructive negotiations. We will offer an extension of time agreement where we consider there is a realistic prospect of the application being

concluded positively. Normally this will amount to a period of one to two weeks but in the case of applications requiring a Section 106 legal agreement the period will be longer.

In the majority of cases, if it has not been possible to resolve significant issues raised by the proposal within the statutory time period the application is likely to be refused.

If it is clear at the outset that the proposal is unlikely to be supported then we will determine the application as soon as statutory consultation processes have been carried out or give you the option of withdrawing the application.

Validation

The first stage in the planning application process is the **validation** stage. This is when the application is checked to ensure that we have all of the forms, plans, fee and supporting information that we need to deal with your application. Some information (eg. forms, plans and fee) is required by law and some is needed by the people we consult.

If the application is not accompanied by the necessary information it is likely to take longer to determine and may be refused.

Within **7 days** of receiving your application we aim to either:

- Send an acknowledgement confirming that the application has been checked and found to be valid. We will also tell you the name and contact details of the officer who is dealing with the application (the case officer) and provide you with a site notice for you to display on the site, or;
- Contact you to explain why it is not valid and what needs to be done to allow the application to be validated.

Planning application forms and guidance on how to complete them are available online via the Planning Portal: <https://www.planningportal.co.uk/> or from the Authority's website; <https://www.yorkshiredales.org.uk/planning/applying-for-planning-permission/>

If you have any queries about completing the forms, application fees, or what information to submit, you can contact our Technician Team on 01969 652345.

Consultation

The Authority must comply with legal requirements to publicise and consult on planning applications. Each application is checked to determine whether there are statutory bodies that need to be consulted (eg. the highway authority, the Environment Agency) or other experts or organizations that we need to advise us on the proposal.

Within **5 days** of confirming the application is valid we aim to:

- put the application details on our Citizen Portal;
- notify all of the 'statutory' bodies that we have to consult;
- write to neighbours and the Parish Council to notify them of the application.

Assessing the proposal

The statutory consultees, the Parish Council and neighbours are given 21 days to submit comments on a planning application. During that time the Case Officer will visit the site however detailed consideration of the application can only really start once the 21 day consultation period is over.

You can track the progress of your application and read comments made by consultees and neighbours on our Citizen Portal:

<https://www.yorkshiredales.org.uk/planning/view-planning-applications/>

After **4 weeks** of submitting your valid application you will be able to:

- view consultation responses that we have received, on the Citizen Portal, and;
- contact the Case Officer for an initial view of any issues raised by the proposal;
- find out whether the proposal is likely to be dealt with by officers using 'delegated powers' or has to be considered by the Planning Committee (and, if the latter, the likely date of the meeting); and
- whether the application is likely to be supported or not.

The majority (about 90%) of planning applications are approved. However, some applications can only be approved once some changes have been made to them. We will contact you if there are issues that can be easily resolved by submitting amended plans. If there are significant issues that cannot be resolved speedily the Case Officer will recommend that you withdraw your application and reconsider the proposals.

If your application is retrospective (development has already occurred) and there are significant issues with the proposal we may not negotiate amendments but decide to refuse permission without further discussion.

Our aim is to decide applications within the statutory timescales and we will not prolong applications for protracted negotiations and repeated amendments.

If significant changes are made to a proposal, the views of consultees on the amended plans may need to be sought, and further time allowed for this.

Making the decision

The Authority deals with around 700 planning applications a year and the majority of these are delegated to Planning Officers to decide. Only the larger or less straightforward applications are decided by the Planning Committee.

If your application needs to be decided by the Planning Committee we will write to you at least **7 days** before the meeting to confirm that your application has been placed on the Committee agenda, provide you with a copy of the Case Officer's report and give you details of the procedure for speaking at the meeting, including the deadline for making comments ('late representations') on the report.

Once a decision has been made you will receive a decision notice – either a grant of planning permission or a refusal.

A planning permission will be subject to a list of conditions. These are the terms on which the permission is granted. We will endeavour to keep them to a minimum and if there are likely to be conditions that will need to be discharged before construction starts we will agree them with you before the decision is issued.

We aim to deal with applications to discharge conditions as quickly as possible and within the statutory period of 8 weeks.

In some cases planning permission may need to be subject to a Section 106 agreement (see S.106 of the Town and Country Planning Act 1990). This is a legal agreement made between the person making the planning application and the Authority. It will normally relate to the occupancy of houses (so they are available for local people), securing affordable housing or property or financial matters. A Section 106 agreement will take some time to be concluded as it will require Solicitors to agree the drafting and can involve other parties, such as mortgage lenders.

Applications requiring a Section 106 agreement will need to have an extension of time agreed to allow time for the Authority's Solicitor to draft the agreement and for your Solicitor to provide title deeds and sign the agreement.

Appeals

If your application is refused permission you have the option of submitting an appeal to the Planning Inspectorate:

<https://www.gov.uk/topic/planning-development/planning-permission-appeals>

Alternatively you can have a re-think and seek pre-application advice on a revised proposal that addresses the reasons for refusal. We will continue to work positively with you if we think we can see a solution.