

# **HOW TO COMMENT ON PLANNING APPLICATIONS**

## **AN ADVISORY LEAFLET FOR GUIDANCE TO HELP YOU MAKE YOUR VIEWS KNOWN AT THE RIGHT TIME**

- **INTRODUCTION**

Public comments on development proposals are encouraged and welcomed by the Government & the City Council whether for small scale developments e.g. house extensions, or for large scale proposals affecting a whole locality. This leaflet explains how you can best put your views forward on planning applications so that they can be considered before a formal decision on the proposals is made.

- **CONSULTATION PROCESS**

You may have received a notification letter, seen a site notice or statutory notice published in the local newspaper, or you may become aware of a proposal by more informal means. We welcome all observations received within the consultation period (usually 21 days from the application being made valid) and will accept comments up until a decision has been made.

Before making your observations you are advised to view the application documents online at [www.coventry.gov.uk/planning](http://www.coventry.gov.uk/planning) free access to the internet is available at Local Library's and through our Customer Service Centre Broadgate House.

- **INDEPENDENT PLANNING ADVICE**

**Planning Aid** offers a wide variety of guidance notes which are free to read and download. <http://www.rtpi.org.uk/planning-aid/what-we-do/free-planning-advice-and-guidance/>

- **PUTTING YOUR COMMENTS IN WRITING**

Unless comments are received in writing they will not be taken into consideration in the determination of a planning application. You are advised to formally put your views in writing through our **online planning record** (using the comment tool). Written comments can also be emailed to Development Management. You must include the planning reference number on any comments that are not made through the online system. Comments received will be taken into consideration in the determination process but individual responses to queries raised in letters will not be responded to.

***Please include the reference number and site address on any comments made.***

- **THE DATA PROTECTION ACT 1998**

The Data Protection Act 1998 requires personal information to be dealt with in a specific way. As local planning authority if we publish personal data in breach of the Data Protection Act we are held accountable. Personal data does not just mean the names, addresses and telephone number of an individual, it includes any information within a letter that would identify another person which may not always be clear.

Due to the high number of letters and emails we receive relating to planning applications and the level of resource we have available we are unable to review all letters to remove the personal data. There is no legal requirement for letters to be displayed on our website, however to ensure a transparent process letters can be made available upon request. However if there are a high number of letters on a particular application it could take a few days for us to carry out the process of removing the personal data and providing the information.

• **TIME LIMITS WHEN MAKING A DECISION**

The City Council is required to make a decision on an application within a set timescale – normally eight weeks. Therefore there is a time limit for making your views known and the date before which your representation should be received is given in the covering letter – this is known as the notification period. However any views received before a decision is made will be taken into account.

It is helpful if you give some reasons why you support or oppose the proposal. However those comments must be relevant and based on planning matters. These include:

<b>PLANNING MATTERS INCLUDE</b>	<b>PLANNING MATTERS DO NOT INCLUDE</b>
the proposal's compliance with the adopted Development Plan;	spoiling your view
how the proposal fits in terms of design and use with the surroundings;	rights to light
the impact on adjoining properties, for example over shadowing.	devaluing your property
the loss of privacy to adjoining properties;	covenants affecting properties
the effect on parking, traffic and road safety;	nuisance caused by building work
noise and general disturbance to adjoining residents.	land ownership disputes
the proposal's compliance with the adopted Development Plan;	personal circumstances or character of the applicant
how the proposal fits in terms of design and use with the surroundings;	moral issues

• **HAVING YOUR SAY AT PLANNING COMMITTEE**

Most applications are decided under delegated powers (by officers). But, where there are five or more written representations which go against the officer's recommendation, applications are normally considered by the **Planning Committee**.

The Councils Constitution sets out the full requirements for delegated powers.

Planning Committee meetings are usually held every three weeks on a Thursday afternoon in the Council House. The meetings are open to members of the public. Any written comments you make will be summarised in the written report.

**If you have made written representations on a planning application (sent to the Development Management Team) and wish to speak at the Committee then you must contact the Committee Officer on 024 7683 3198 or 024 7683 3166 up to 48 hours before the meeting.**

Once you have told us of your wish to speak, you will be contacted to confirm the details of the meeting. You will be given a copy of the officer's report.

At the meeting the Chair will invite speakers to address the meeting for a maximum of three minutes each. Any objectors will go first, followed by those in support and finally the person making the application or their representative.

- **HOW ARE DECISIONS MADE**

Every decision will be made taking into account the following factors:

- whether the proposal complies with the development plan;
- the individual merits of the proposals;
- any relevant comments from consultees.

Your views are therefore only one aspect that is considered and may not override other factors. In law the decision must be made in accordance with the development plan unless material considerations indicate otherwise. Furthermore Government advice is that there should be a general presumption in favour of development unless there are overriding planning objections to it.

- **AFTER THE DECISION**

Once a decision is made only the person making the application has the right to appeal either against a refusal or any condition imposed on the permission. **Neighbours and other interested parties have no right of appeal.**

- **Appeals against refusal or conditions in relation to NON-HOUSEHOLDER applications**

If an appeal is made then an inspector nominated by the Planning Inspectorate will consider the matter. If you commented on the original planning application then you will be informed of the appeal and be invited to make representations to the Planning Inspectorate. Any comments you made on the original application will have already been forwarded to the Inspector. Further information about the appeal process is available from our website.

- **Appeals against refusal of planning permission for householder development**

Appeals against the refusal of householder planning applications which is to be dealt with on the basis of representations in writing, any representations made about this application will be sent to the Secretary of State, and there will be no further opportunity to comment at appeal stage. You will be advised of this again at the time the appeal is made and you will be able to withdraw the comments should you wish at that time.

- **COMMENCEMENT OF WORKS**

Once the development has commenced or is complete, if you believe it is not in accordance with the approved plans or conditions then please use the online enquiry form on our website and an officer will investigate and may make a visit to the site. Your request will be kept confidential and we will get back to you advising you of the action the Council propose to take.

- **MAKING A COMPLAINT**

If you feel the proper procedures have not been followed by the City Council in making the decision then you can make a formal complaint through our online [complements, comments and complaints](#) form. If you are unhappy with the way the City Council investigates your complaint you can ask the Local Government Ombudsman to investigate whether maladministration has occurred. The Ombudsman however cannot consider the planning merits of the proposal. Further details are available from the [Local Government Ombudsman](#) or by contacting the Place Business Support Manager on 02476832716.