

How We Deal with Planning Applications

This document summarises the application procedure from receipt through to the decision and is similar the content of a leaflet sent with neighbour notification letters.

The first steps

Once an application has been received and has all relevant information, we undertake the necessary consultations. As well as consulting on the application, the case officer will inspect the site to assess the merits of the proposal. For most proposals, consultations are undertaken through neighbour notifications. For some proposals, a site notice is posted in a prominent position so that it can be seen from a public viewpoint. We may also advertise the application in the local press in certain cases.

Where you can see the plans

You can view the plans and associated documents on the council's website by searching for it using an application number, the postcode, part of the address, or a keyword in the development description. These documents are updated regularly but it may be up to five working days for them to be uploaded online.

A copy of the application forms and plans can also be viewed at one of the Council's Access Points, **subject to two days prior notice being given**. If you would like to view an application please contact the Council on 0300 303 8588 or email informationrequests@mendip.gov.uk, quoting the reference number of the application you wish to view.

Access Point	Opening Days/Hours
Shepton Mallet Mendip District Council Offices, Cannards Grave Rd	Monday - Friday 8.30 – 12:00 14:00 - 16:30
Frome Frome Library, Justice Lane	Monday - Friday 09:30 – 13:00 14:00 – 16:30
Street Crispin Community Centre, Leigh Road	Monday, Wednesday & Thursday 10:00 – 13:00 14:00 – 16:30
Glastonbury The Library, Orchard Court	Monday, Tuesday & Thursday: 10:00 – 13:00 14:00 – 16:30 Friday 10:00 - 13:00
Wells The Town Hall, Market Place	Tuesday, Wednesday & Friday 10:00 – 13:00 14:00 – 16:30

Please note: On the first Wednesday of each calendar month, the Council Access Points will open an hour later than advertised (Frome: 1½ hours later).

If you have any questions

If you have any queries about the proposals you have viewed, please contact the case officer specified on the consultation letter. Officers can normally be contacted during normal working hours although it should be noted that the very nature of their work means that they are frequently away from the office. If they are unavailable, a message can be passed to them and your call will be returned within 48 hours, or a colleague may be able to assist if your query is of a general nature.

How to make your views known

We cannot receive your comments verbally, either on the telephone or in person, because all comments must be available for public inspection. You must provide your name and address as anonymous or confidential comments cannot be taken into account.

Comments should either be submitted online using the same facility for viewing applications, emailed to consultations@mendip.gov.uk or posted to the Council Offices (please ensure that the reference number is quoted). Please do not send comments directly to the case officer. Duplicate letters with different names and addresses added will be treated as a petition.

Comments submitted online or by email will be acknowledged and displayed online in full. Comments received by post will not be acknowledged and only a summary of these comments will appear on-line.

You have 21 days to comment on planning applications. A decision could be made at any time after the consultation period ends so comments received after this deadline may not be taken into account.

Comments on applications must be rational, impersonal and focused on the planning issues raised by the proposal. Comments of a personal, slanderous, libelous, defamatory, or otherwise offensive or abusive nature are not constructive or helpful to the process of determining a planning application and may result in an action for libel. Any comments which include such remarks will not be taken into account and returned. Comments submitted online will not be published until the content has been checked.

The council does not respond to individual representations made by letter or email given the volume received. You should therefore phone the case officer if you have any queries before submitting comments.

Duplicate letters with different names and addresses added will be treated as a petition.

Issues that can be taken into account

There are limits to the range of issues that can be taken into account when considering planning applications. The following are examples of valid planning considerations:

- Government planning policy and guidance
- Planning legislation.
- Draft planning policies.
- Adopted local (parish) level guidance
- Previous planning applications
- Design, appearance and relationship with the surrounding area.
- Living conditions such as light, privacy, noise and odour.
- Highway safety
- Biodiversity
- Impact on trees and the landscape
- Flood risk in identified areas at risk.
- Heritage assets such as listed buildings, conservation areas and archaeology
- The economy, including job creation/retention.
- Drainage and surface water run-off.

Issues that cannot be taken into account

This will vary with each application but the courts have established that the following matters cannot be taken into account when considering planning applications:

- The history or character of an applicant
- Perceived or actual impact of development on property values.
- Land ownership, restrictive covenants or other private property rights including boundary and access disputes or maintenance.
- An applicant's motivations or future intentions.
- Retrospective nature of applications;
- Impact on private views;
- The extent of public support or opposition for a proposal alone;
- Competition between businesses;
- Matters controlled by other (non-planning) legislation such as licensing and building regulations.

How planning applications are decided

Interested parties are consulted and the Ward Councillor/s is notified of most applications received. After the consultation period has ended, the case officer will recommend approval or refusal taking into account comments received and all relevant planning considerations. All recommendations are agreed by an authorised officer of the council before they are issued.

The majority of planning applications are decided through a process of delegation. However, where a the District Councillor has asked for an application to be considered by the Planning Board (Committee) within 28 days of being notified, the case officer's recommendation will be referred to the Chair and Vice-Chair of the Planning Board, and the Ward Councillor, for consideration. They will also consider officer recommendations where a District Councillor has declared a personal and prejudicial interest in an application. The Chair and Vice Chair then decide whether the application is decided in accordance with or against the officer's recommendation with delegated authority, or referred to the Planning Board.

Applications made by council staff who are closely associated with the planning process, and applications made by the council or on council land (except tree works), will always be referred to the Planning Board in the interests of being open and fair.

Planning board (committee)

A separate leaflet is available online or upon request which explains how the Planning Board operates, and the procedures for anyone who wants to make their views known directly to Councillors. If you have commented on application that is being considered by the Planning Board, you will receive prior notification.

The role of parish/town/city councils

Your local council will have been consulted on the application at the same time as neighbours and they will consider the proposals and submit their own comments. Local councils do not make decisions on planning applications but their comments are very important considerations when a decision is being made.

You may wish to contact your local council and make your views known to them before they make their recommendations to the district council. However, they are also required to respond within the same 21-day consultation period and you should therefore contact them as soon as possible to find out if/when they will meet to consider the proposals. Contact details for the clerks of local councils are available on our website.

The case officer's recommendation will be referred to the District Councillor for consideration if it is different to the local council's recommendation.

Decisions on planning applications

Decisions made on planning applications are published on the website, or they can be provided upon request. The council will not write to inform you of the decision, even if you have made comments because the status can be viewed online or by calling the Council.

Appeals

The applicant has a right of appeal to the Secretary of State against a refusal of planning permission, a failure to determine the application within a prescribed period or conditions imposed on a planning permission. You will be notified if an appeal is lodged and be provided with an opportunity to make further comments directly to the Secretary of State. However, in the case of applications for householder or minor commercial development, any comments made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

What if I am not happy with the decision?

There is no right of planning appeal for third parties who are unhappy with a planning decision. Decisions can only be challenged through the courts and independent legal advice should be sought immediately if it is felt that the decision is unlawful. Alternatively, you can lodge a complaint if you believe that an application has not been decided in accordance with correct procedures. Further details about the council's complaints procedure are available on the website or can be provided upon request, but please note that the complaints procedure cannot reverse, alter or reconsider the decision made.