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## How We Deal with Planning Applications

This document summarises the application procedure from receipt through to the decision.

### The first steps

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Once an application has been received and has all relevant information, we undertake the necessary consultations. Consultations are undertaken through neighbour notifications and/or 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

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You can view the application 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 take up to five working days for them to be uploaded online.

Alternatively you can use the self-service computers at **Mendip District Council Offices** at Cannards Grave Road, Shepton Mallet and at all local Libraries.

### How to make your views known

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All comments should be made via our website <https://publicaccess.mendip.gov.uk/online-applications/>. Please do not send comments directly to the Officer. Duplicate letters with different names and addresses added will be treated as a petition.

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.

All comments submitted will be displayed online. If you would like to know more about how we handle your personal information and the contents of your correspondence, please go to our website <http://www.mendip.gov.uk/privacy>

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 focused on the planning issues raised by the proposal. Comments of a defamatory, offensive, abusive or malicious nature will be returned and not taken into account. Comments submitted online will not be published until the content has been checked.

The Council does not respond to individual representations given the volume received.

Please note that all comments from the public are removed from the website once a decision is made.

### Issues that can be taken into account

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There are limits to the range of issues that can be taken into account when considering

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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**

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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**

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Interested parties are consulted and the Ward Councillor/s is notified of most applications received. After the consultation period has ended, the application will be recommended for approval or refusal taking into account comments received and all relevant planning considerations.

The majority of planning applications are decided through a process of delegation. However, as a general rule, where the Ward 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, who then decide whether the application is decided under delegated authority, or referred to the Planning Board. All applications where a District Councillor has declared a personal and prejudicial interest in an application will also be considered.

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)**

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If you have commented on application that is being considered by the Planning Board, you will receive prior notification with details of the date/time, and how to speak if you wish.

## **The role of Parish/Town/City Councils**

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For most applications the Parish 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. Parish 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 Parish 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.

## **Decisions on planning applications**

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Decisions made on planning applications are published on the Council's website. The Council will not write to inform you of the decision, even if you have made comments because the status can be viewed online.

## **Appeals**

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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 you may, depending on the type of appeal, be provided with an opportunity to make further comments directly to the Secretary of State.

## **What if I am not happy with the decision?**

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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 but please note that the complaints procedure cannot reverse, alter or reconsider the decision made.