

NOTES FOR GUIDANCE

HOW TO COMMENT ON A PLANNING APPLICATION

These notes have been prepared to help you, if you wish to object to a planning application. If you need any more help please contact the staff of the Development Control Section within the Council's Planning & Transport Division.

WHAT IS A PLANNING APPLICATION

Many types of new development need planning permission from the Council before building work can be carried out or the use of property or land changed. In these cases a planning application must be made to the Council describing what the new development will involve and where it will take place.

You can find out more about how planning applications are handled by reading Angus Council's Guidance Note on How to Apply for Planning Permission, a companion leaflet in this series.

CAN YOU COMMENT ON OR OBJECT TO A PLANNING APPLICATION?

Yes! Anyone has the right to comment or object to any planning application. This Guidance Note gives the basic advice on how best to ensure that your voice and views are heard.

HOW ARE DECISIONS MADE?

Approximately 90% of planning applications submitted to Angus Council are processed through the powers delegated to the Head of Planning & Transport by the Council. These applications are generally small to medium scale proposals which have not raised a significant body of objection from neighbours or consultees.

The remaining applications are considered by the Council's Development Standards Committee which meets approximately every three weeks. This usually happens when proposals are large scale, raise important policy issues, or have received more than four objections.

HOW CAN YOU FIND OUT ABOUT PLANNING APPLICATIONS?

There are several ways to find out if a planning application has been submitted to Angus Council:-

Use the Council's Public Access website at www.angus.gov.uk/publicaccess to view the weekly list of planning applications or carry out a property search.

- Contact the Planning Division, County Buildings, Market Street, Forfar (telephone No. 01307-461460).
- Watch out for notices in the local press or a notice posted on the site. Only a few types of application require to be posted on site or to be formally advertised in the press but all the local papers are provided with lists of new applications weekly which they usually publicise.
- Neighbour Notification – there is a legal requirement on an applicant to notify certain neighbours whose land adjoins the application site about a proposed development (except in certain cases e.g. Listed Building Consent or erection of signs). However, please note that while the law requires a location plan to be attached to the neighbour notification notice, detailed plans of the proposal do not have to be provided with this notice.
- Inspect the register at Planning Reception at County Buildings, Forfar.

HOW DO YOU COMMENT ON OR OBJECT TO A PLANNING APPLICATION?

The first step is to find out as much as you can about the details of the application. You have the right to inspect any planning application at the Planning & Transport Division, County Buildings, Market Street, Forfar. Plans are available for inspection during normal office hours at County Buildings (9.00 a.m. to 5.00 p.m.). It is not necessary for an officer to be present but if you feel that further explanation or assistance will be necessary then it is recommended that an appointment be made.

All applications can be viewed online using the Council's Public Access website at www.angus.gov.uk/publicaccess

In addition plans which relate to a specific town or the surrounding countryside may be inspected at the Local Access Offices in Arbroath, Brechin, Montrose, Monifieth, Kirriemuir and Carnoustie.

It is a good idea to telephone first to check that the application you wish to view has been received by Angus Council before you visit any of the above offices as applicants sometimes issue neighbour notifications in advance of submitting the planning application to the Council.

The Area Development Control Officers will also be available for consultation at Local Development Control Surgeries held weekly at Arbroath, Kirriemuir, Monifieth and Montrose. Details of the locations and time of these surgeries are available in a 'handout' obtainable from the Planning & Transport Division.

WHAT HAPPENS WHEN YOU OBJECT TO A PLANNING APPLICATION?

Your objection should be put in writing and addressed to the Head of Planning & Transport Division, County Buildings, Market Street, Forfar, DD8 3LG.

Your letter will be acknowledged within five working days of receipt. This letter will provide information as to the name of the Planning Officer dealing with the application and how to track progress on the application. Any comments you make may be reported in full to the Development Standards Committee. If the application you have objected to is to be considered by the committee you will be informed approximately one week before the Committee and you will be provided with a copy of the Director's report. If you wish to speak at the Committee meeting, you must contact the Committee Officer (Law & Administration) by letter, telephone, fax or e-mail, one clear day prior to the date of the meeting. Please note that when your letter is submitted to the Council it will be in the public domain and your confidentiality cannot be maintained. Anonymous letters, however, will not be accepted.

WHAT POINTS CAN YOU COMMENT ON?

Your letter should state clearly the points you may wish to make on the proposals. It is not sufficient to simply state that you "object" to the proposal, you should set out your reasons for objecting to the proposals. It should also be remembered that you can support a planning application as well as objecting to it. Staff from the Council's Planning & Transport Division are unable to advise you on grounds of objection to specific planning applications. Independent advice on such matters can be obtained from private planning consultants or from groups such as Planning Aid for Scotland.

Some points which may be considered to form a valid planning objection include:-

- non-compliance with the Structure Plan, Local Plan, or national guidance;
- impact on adjacent property and the local area;
- noise, nuisance and smell;
- privacy and amenity;
- visual appearance and compatibility;
- impact on traffic movements;
- road safety and access;
- parking problems;
- effect on pedestrians and cyclists;
- creation of a precedent for more of the same.

Matters which do not form valid planning objections according to legislation, Government guidance or case law include:-

- issues covered by other legislation e.g. Licensing, Building Standards, Health & Safety etc.
- private property rights e.g. boundary or access disputes;
- the developer's motives, record or reputation;
- perceived impact on property values;
- competition between businesses;
- the impact on a private view over someone else's land;
- inconvenience caused by construction works;
- moral issues, e.g. an amusement arcade might attract children.

WHAT HAPPENS NEXT?

After having considered all the relevant material associated with the planning application the Council will reach a formal decision. All persons who objected to any planning application will be informed whether the application has been:-

- granted;
- granted with conditions;
- refused.

The main reasons for the Council's decision on the planning application will be sent to you in writing.

WHAT IF YOU ARE NOT HAPPY WITH THE COUNCIL'S DECISION?

In terms of the planning legislation an objector has no right of appeal to the Secretary of State (an applicant does). However, if you are not happy with the decision of the Council the Case Officer or Principal Development Control Officer will be pleased to explain why the decision was taken.

If you consider that the Council has acted illegally, irrationally or with procedural impropriety when making a decision, it may be possible to petition the Court of Session for a Judicial Review. This is a complex and often expensive course of action and if you wish to pursue it a Solicitor should be consulted as soon as possible after the Council has made its decision.

WHAT IF I AM NOT HAPPY WITH THE SERVICE I HAVE RECEIVED?

If you feel dissatisfied with the service you receive from the Council or its staff you are advised to request a copy of the Department's Complaints Procedure which will tell you how to complain and what will happen to your complaint.

If you remain dissatisfied and feel that the Council has not followed the correct procedures for dealing with a planning application you may consider contacting the Local Government Ombudsman. The Ombudsman is not able to question the merits of any decision by the Council but can investigate the method and procedure the Council undertook in dealing with an application or in reaching its decision.

IN CONCLUSION

Most planning decisions involve balancing a variety of material considerations. There will often be arguments both for and against a proposal and a judgement has to be made by the Council as to which outweighs the other. Consequently, there will be occasions when objectors may be puzzled and upset at the grant of a permission because they may see the proposal as spoiling their local environment or personal amenity. However, planning law makes it clear to Planning Authorities that they can only refuse permission if there are sound and clear-cut planning reasons for doing so.

FURTHER INFORMATION

Further information on any aspect of this guidance note can be obtained from:-

Angus Council
Infrastructure Services
Planning & Transport Division
County Buildings
Market Street
FORFAR
DD8 3LG

Tel: 01307-461460

Fax: 01307-461895