

Publicity Requirements for Planning Applications and Prior Notification

1.0 Background to Publicity Requirements

- 1.1 Through the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the Planning (Listed Buildings and Conservation Areas) Act 1990, Local Planning Authorities have a duty to publicise certain applications. The means by which applications must be publicised varies depending on the type of application as set out in **Table 1**. The principal means of publicising applications are: Site notice, advertisement in a local newspaper, notification of individual neighbours, and publishing details of the application on the Council's website.
- 1.2 The Local Planning Authority will fully comply with the statutory minimum requirement to post site notices, publish newspaper advertisements, and publicise details of applications on the Council's website where necessary as set out in **Table 1**. Notification of individual neighbouring properties will be carried out at the discretion of officers as set out in Paragraph 4.1 below.

2.0 Site Notices

- 2.1 Where site notices are used to publicise applications they will be posted in a position where they will be clearly visible and legible to passers-by without the need for them to enter the site. In respect of larger developments where an application site has more than one road frontage a site notice will be placed on each of the relevant roads. Whilst it is not the responsibility of the Local Planning Authority to safeguard the site notice or replace damaged or lost notices, in order to make them as durable as possible all notices will be laminated.

3.0 Advertisements in Local Newspapers

- 3.1 Newspaper advertisements required for applications in the following parishes, Okeover, Mayfield, Ramshorn, Ellastone, Wootton, Stanton, Rocester, Denstone, Leigh, Croxden, Uttoxeter Rural, Kingstone, Marchington, Draycott-in-the-Clay and within the area covered by Uttoxeter Town Council will be advertised in the Uttoxeter Advertiser and applications in the remainder of the Borough will be advertised in the Burton Mail.

4.0 Neighbour Notification

- 4.1 Where individual neighbouring properties are notified at the discretion of officers, the Local Planning Authority does not undertake to notify every property adjacent to or near the site as there may be valid reasons why this would be inappropriate or unreasonable, such as where the property is deemed to be materially unaffected by the proposal or it is not reasonably possible to accurately identify all neighbouring properties, for example (but not exclusively) dwelling units within inaccessible blocks of apartments or buildings recently converted into dwellings with no obvious address.

5.0 Publishing of Applications on the Council's Website

- 5.1 A weekly list of all received applications for planning permission and listed building consent, prior notifications and works to protected trees is produced by the Borough Council and made available on the Council's [website](#).

6.0 Time Periods for Responding to Publicity

6.1 The time period for responding to neighbour letters and site notices will be 21 days from the date on the letter or notice. In most cases, the dates may differ and 21 days will be taken from the latest date appearing on an advertisement, a notice or letter. These dates are available to view on the Council's website under the planning application reference. Planning applications will not be determined before the expiration of the latest period for receiving comments. Whilst every effort should be made to respond within these timescales, comments received later will not automatically be discounted provided there is still time within the life of the application to take them into account.

7.0 Publicity in Respect of Prior Notifications, Prior Approval, Tree Work Proposals, Hedgerow Removal, Certificates of Lawfulness and Advertisements

7.1 Certain types of development and works such as agricultural buildings, demolition of buildings, hedgerow removal, tree works in a conservation area, telecommunications equipment and some changes of use are permitted development subject to conditions set out in the Town and Country Planning (General Permitted Development) Order 1995 as amended and the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, and therefore do not require planning permission.

7.2 However, before such development can commence, developers first have to notify the Local Planning Authority of their proposal. The Council currently has 28 days to deal with prior notifications of agricultural or forestry development, and of demolition of buildings, 42 days in respect of hedgerow removal, works to trees in conservation areas and prior approval in respect of the temporary increase in permitted development rights for household extensions, or 56 days in the case of prior notification to erect telecommunications equipment or implement changes of use under Part 3 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). The Council cannot generally control the principle of the development proposed and must have good reason if it wants to refuse or seek an amendment to the particular proposal. As a result of the tight time-scales and restricted grounds for comment the publicity undertaken is generally less than for planning applications as set out in **Table 1** below.

7.3 Where neighbours are notified in respect of prior notifications for agricultural buildings, demolition and tree works the period for response will be reduced to 14 days because of the tighter timescales for dealing with the notification.

7.4 Certificates of lawfulness are determined under the Council's delegated procedures in consultation with the Council's Head of Legal Services and decisions are based solely on matters of fact. Consultations will only be carried out if the case officer considers that they may be able to assist in establishing the facts of the case.

7.5 Whilst not statutorily required to publicise applications for works to protected trees and for express consent to display advertisements, the Local Planning Authority will undertake to carry out some publicity as set out in **Table 1**.

8.0 Additional Publicity in Respect of Amended Plans

- 8.1 Where amended plans are received on a current application those individuals or bodies who have expressed an opinion may be notified of the revisions and given a further limited period (usually up to 14 days) to assess and comment upon the amendments. The number of days within which to respond may be reduced in certain cases where there is insufficient time left within the statutory period for determining the application to allow the full fourteen days.
- 8.2 Where a substantially different scheme is submitted with significant changes to the original application, full re-notification may be necessary depending on the circumstances of the case. Where full re-notification is considered necessary a further period for comment of up to 21 days will be given.

9.0 Summary

- 9.1 **Table 1** sets out the publicity the Local Planning Authority will undertake in respect of various categories of application and prior notification. The Local Planning Authority will always meet the statutory minimum requirement in respect of publicity (where it applies) by posting a site notice, publishing applications in the Weekly List on the website and placing an advertisement in a local newspaper as and when required. Notification of individual neighbours will be discretionary as specified in **Table 1** and Paragraph 4.1 above.

Table 1		
Type of Development	Statutory Requirement	Discretionary Publicity
Applications accompanied by an Environmental Statement	Advertisement in local newspaper. Site notice. Publish on website.	Neighbour notification where considered relevant by officers.
Applications which do not Accord with the Development Plan in Force (Departures)	Advertisement in local newspaper. Site notice. Publish on website.	Neighbour notification where considered relevant by officers.
Applications for Development Affecting a Public Right of Way to which Part 3 of the Wildlife and Countryside Act 1981 Applies	Advertisement in local newspaper. Site notice. Publish on website.	Neighbour notification where considered relevant by officers.
Applications for Major developments as set out in Article 2 of the Development	Advertisement in local newspaper. Site notice or neighbour	Neighbour notification in addition to site notice where considered relevant by officers.

Management Procedure Order	notification. Publish on website.	
Applications for Non-major Development	Site notice or neighbour notification. Publish on website.	Neighbour notification in addition to site notice where considered relevant by officers.
Applications for Listed Building Consent where works to the exterior of the building are proposed	Advertisement in local newspaper. Site notice. Publish on website.	Neighbour notification in addition to site notice where considered relevant by officers.
Applications for Development Affecting the Setting of a Listed Building	Advertisement in local newspaper. Site notice. Publish on website.	Neighbour notification in addition to site notice where considered relevant by officers.
Applications for Development within a Conservation Area	Advertisement in local newspaper. Site notice. Publish on website.	Neighbour notification in addition to site notice where considered relevant by officers.
Applications for Express Consent to Display Advertisements	None	Site Notice. Neighbour notification in addition to site notice where considered relevant by officers having regard to amenities of neighbouring properties. Publish on website.
Development by Electronic Communications Code Operators under Part 24 of the GPDO.	Where development is not in accordance with the development plan or would affect a public right of way to which Part 3 of the Wildlife and Countryside Act 1981 applies: Site notice and Advertisement in local newspaper.	Neighbour notification in addition to site notice where considered relevant by officers.

	<p>On sites of 1 hectare or more:</p> <p>Site notice <u>or</u> neighbour notification.</p> <p>Advertisement in local newspaper.</p> <p>All other development not covered above:</p> <p>Site notice <u>or</u> neighbour notification.</p> <p>Advertisement in local newspaper.</p>	
Prior Notification of Agricultural Development	Site notice posted by applicant <u>ONLY</u> where prior approval of details requested.	Neighbour notification where considered relevant by officers. Publish on website
Prior Notification of Larger Homes Household Extensions (Applicable between 30 th May 2013 to 30 th May 2016) (A.1(ea) of Schedule 2 to GPDO1995 as amended)	Neighbour notification.	Publish on website
Prior Notification of Changes of Use (Classes J,K and M of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013	Site notice <u>or</u> neighbour notification.	Neighbour notification in addition to site notice where considered relevant by officers. Publish on website.
Prior Notification of Demolition of a Building	Site notice must be posted by applicant.	Neighbour notification where considered relevant by officers. Publish on website
Notice of Hedgerow Removals	Notify Parish Council.	Neighbour notification where considered relevant by officers. Publish on website

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Applications for Works to Trees Protected by a Tree Preservation Order	Site notice.	Neighbour notification where considered relevant by officers. Publish on website
Notice of works to trees in conservation areas	None.	Neighbour notification where considered relevant by officers. Publish on website
Certificates of Lawfulness for Existing Use and Development	None.	Neighbour notification where considered relevant by officers. Publish on website
Certificates of Lawfulness for Proposed Use and Development	None.	None.