

## Contacts

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## Advice Note 1

### Planning Applications General Advice



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### Planning Applications – General advice about applications

These notes are provided to help you with your planning application. It may also be helpful to you to call at or contact the planning office by 'phone or email to discuss your proposals before you complete the application.

If you are in doubt whether your project requires planning permission because it may not involve development or it may be 'Permitted Development' under the General Development Order, you should contact the planning office for advice.

Information is available about householder development, which does not require planning permission and there is a separate form to confirm this (and also whether consent under the Building Regulations might be needed) - the 'Permitted Development Questionnaire'. There is a fee of £23 for this.

You may also apply to the Borough Council to determine whether, under Section 64 of the Town and Country Planning Act 1990, planning permission is needed for development. This may be done by letter, which should give details of the present or last use of the land/building and the proposed new use including details of the processes to be carried out and machinery to be employed. You may at the same time as you seek such a determination apply for planning permission. You may wish to seek further advice from the Council before making such an application.

There are several types of planning application :

**OUTLINE PLANNING APPLICATION:** An outline application is used to establish the principle of a development to save the expense of detailed plans if there may be doubt as to whether the proposal is acceptable. *An outline application is not used to apply for householder development or the change of use of a building or land as the detail of what is proposed is crucial to the decision.*

It will help the Council if you give as much information as possible by completing a design statement or business case to support your application. Please note that if you show in question 3 on the application form that certain matters are to be reserved for subsequent approval it would still help to send the Council plans showing tentative ideas of how the site might be designed. Those plans will not form part of the application and any permission granted will require you to obtain approval of these matters. If you show any matters as not reserved for approval you must include them in your application plans showing adequate details. If the Council consider that the application cannot properly be considered without certain details, you will be asked to submit the required information. The outline permission will lapse if details of reserved matters have not been submitted to the Authority within the period given in the permission, generally three years.

Visit the Council's website [www.ambervalley.gov.uk](http://www.ambervalley.gov.uk) for further information about planning issues for properties in the Borough



This page brings together publicly available information (including planning) that the Council holds about a particular property.



**APPROVAL OF RESERVED MATTERS :** Where outline permission has already been granted you should make application for approval of the reserved matters detailed in the conditions of the outline permission. Please state in your answer to question 2(c) for which reserved matters you are seeking approval.

Approval of 'reserved matters' should not be sought for proposals outside the site area of the outline permission or which would conflict with conditions imposed on that permission. If they do, you should submit a 'full' planning application.

A 'reserved matters' permission will generally last for three years after the outline permission was granted.

**FULL PLANNING APPLICATION :** Most applications will be for 'full' planning permission. This is needed if you wish to make a change in the use of land or buildings, or carry out works or operations including the erection of buildings where you do not wish to apply for outline permission. It will also apply where development has been carried out *without permission* and an application is being made to regularise the situation. In this case you should, in reply to question 2(c), make it clear that you wish to retain the existing buildings or continue existing uses.

If you want to put up a new building or carry out engineering works, a 'full' planning application will require submission of all the details of the development including the design and appearance of buildings or structures, access and parking arrangements, landscaping and other information detailed in the '**Checklist for Planning Applications**' including a **Design Statement and/or Business Case**. Similarly a 'change of use' application should include details of how the building or land is to be used.

A 'full' permission will generally last for five years after it is granted.

**RENEWAL OF TEMPORARY PERMISSION OR RELIEF FROM CONDITIONAL PERMISSION:** If you wish to apply for permission to retain works or to continue a use without complying with a condition subject to which the original permission was granted (including any requirement that works should be removed or that the use should cease by a specified date) you should say so in reply to question 2(c). You should give the date of the original permission and previous application number and identify the particular condition in reply to question 3(iv).

**RENEWAL OF TIME LAPSED PERMISSION** This applies to outline, full or reserved matters permission where the time to implement the permission (usually given in condition 1) has lapsed.

A complete new outline, full or reserved matters application will be need to be submitted.

**ARTICLE 4 DIRECTION APPLICATIONS :** These applications concern work in the Belper and Milford Conservation Areas to replace windows and doors etc. They should include full details of the work to be carried out. Drawings should be provided but photographs can also be used.

**ADVERTISEMENTS :** Advertisement applications are made on a different form but should include the same level of detail as a 'full' application and in particular, if relevant, an elevation of the building showing where the advertisement is to be positioned.

**LISTED BUILDINGS :** If your proposal affects a Listed Building it is necessary for you to seek Listed Building Consent *in addition* to planning permission. It would be advisable to discuss your proposals with the Council before submission as there are special details needed for applications for works to Listed Buildings. A separate application form can be obtained from the Council. This form can also be used for a **Conservation Area Consent** application.

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**CERTIFICATES UNDER SECTION 66 OF THE TOWN AND COUNTRY PLANNING ACT 1990** Section 66 of the Act allows the Council not to accept an application for planning permission unless it is accompanied by one of four certificates.

**Every planning application has to have a certificate completed to confirm who owns the land, which is the subject of the application.**

*(Please note) Planning law also states that 'Any person who knowingly issues a certificate which contains any statement which is false or misleading shall be guilty of an offence and liable on conviction to a fine not exceeding level 5 on the standard scale.*

**Certificate A.** If you are the only owner of all the land to which the application relates, Certificate A should be completed.

**Certificate B.** If you are not the only owner of all the land to which the application relates you will have to give notice, using **Notice No. 1**, to the other owners and complete Certificate B to state who the Notice has been sent to and when. If any part of the land to which the application relates is an agricultural holding or part of one you should give notice in the form shown in Notice No. 1 to any tenant or tenants of the holding, certifying whether or not the land is an agricultural holding or part of one.

**Certificates C and D** are relevant only if you have made efforts to trace the other owners and have failed. Please contact the Council for advice in these circumstances.

Certificates A and B form part of the standard application form TCP1. Certificates C and D and Notice No. 1 can be obtained from the Council on request.

*(Owner refers to a person having a freehold interest or a leasehold interest, the unexpired term of which is not less than 7 years. In calculating the unexpired term of the lease this should be included in any term for which the lease maybe renewed or extended pursuant to an option).*

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