



# A Charter for Development Management

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Planning Services Section,  
Economic Growth

# A Charter for Development Management

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# A Charter for Development Management

## 1. The Charter - Introduction and Purpose

- 1.1 A key role of the planning system is to protect the environment whilst enabling the development which is necessary for the economic and social well-being of communities. Most people become involved in planning through the Development Management process, either as an applicant for planning permission or as someone affected by a development which is proposed or has taken place. It is important that customers can understand what they are entitled to expect from the service if they are to have confidence in the contribution which it can bring to their local community or business.
- 1.2 Darlington Borough Council receives around 1500 planning applications per year plus a significant number of submissions for other types of consent. Whether the application is for a modest extension to a dwelling or for a major new industrial development, certain principles apply. For the applicant, these include the right to expect courtesy, openness and efficiency from those deciding whether the development can go forward. For other people affected by the proposal these principles include a right to be informed and to have their views taken into account when deciding whether a development should proceed.
- 1.3 These principles are not new. They are familiar to planning officers and to elected Councillors ('members') who are charged with taking decisions. They may be less understood however by some people who find themselves involved in the planning system - as applicants, objectors or supporters of a proposal, or as part of the wider community.
- 1.4 This Charter has been produced by Darlington Borough Council in the light of a guide prepared by the National Planning Forum in consultation with Central Government. It also builds on the principles set out in the Local Government Association Planning, Enforcement and The Planning Users Concordats, which the Council endorse. The purpose of the Charter is to explain how planning applications are dealt with and the standards of service that the Council wishes to achieve. The Development Management Charter is also closely linked to the aims and objectives which are set out in the Council's Best Value Performance Plan, and should help to ensure that the Development Management service is delivered in a way which meets local needs and priorities, according to standards which everyone can understand.

## 2. Service and Quality

- 2.1 Development Management is a process which regulates development and uses of land. It involves the consideration of planning applications, the monitoring of development as it takes place, enforcement action where unacceptable breaches of control have occurred, and the provision of information and advice about general planning matters and individual proposals. It is a process governed by law, and can be complex.
- 2.2 It is also a service which can be of great benefit to local communities and businesses. Its objective is to ensure that changes to our physical surroundings - buildings and land - are right for their purpose and location. A general framework for Development Management is set out in Government Guidance. This is translated in more detail by the Structure Plan and more particularly by the Borough of Darlington Local Plan. The main purpose of the Structure Plan is to provide general strategic policy guidance for new development, whilst the Borough Local Plan contains specific planning policies and proposals. These are backed up by Supplementary Planning Guidance notes which the Council produces on some matters, for example house extensions. All planning applications are considered against this framework. The policies which are contained within the Borough Local Plan are of most relevance and are given the greatest weight. However other material factors must also be given careful consideration.
- 2.3 The aim is to make the best decision about each application, not necessarily the quickest. This means taking into account the impact of a proposal on the environment and on the interests of the whole community. It also means balancing the needs of the applicant against the effect a development might have on neighbours and other people living nearby.
- 2.4 Applicants, businesses, neighbours and the public generally are all customers of the Development Management service. Many have little or no experience of how the system works. In providing quality in

the Development Management service, all customers must be treated efficiently, positively, courteously and equally. This Charter sets out how the service will be delivered within Darlington Borough to provide such quality of service to all its customers.

### 3. Factors affecting service quality

- 3.1 The Council's Best Value Performance Plan aims to provide a Development Management service of a standard at least equivalent to the top twenty five percent of all planning authorities. However, it is important to appreciate that many things which lie outside the Council's direct control can influence the standard of service provided.
- 3.2 Efficiency relies on all those involved providing the right information at the right time. In an ideal world, all planning applications would have the correct fee, complete and accurate forms, plans and supporting information; consultees would reply quickly; negotiations would be conducted in a positive manner; and any requested amendments would be submitted promptly. In the real world, this is not always the case .
- 3.3 Other things which can cause difficulty include unexpected variations in the number of applications received, in particular the number of major or contentious applications which consume a large amount of staff time. In addition unavoidable absence from work and leave arrangements amongst a small team of planners with a high workload can sometimes have an impact on the speed work can be processed.
- 3.4 From time to time, therefore, circumstances will combine to influence the quality and efficiency of the Development Management service. The Council will seek to anticipate and manage these difficulties so as to maintain the highest practicable level of service.

### 4. Service Aims

- 4.1 The aims of the Planning Service build on the Council's overall Vision and Aims which are set out in the Best Value Performance Plan. The Planning Service aims are:
  - *To care for, safeguard and add quality to the environment., and to enhance the social and economic well being of the Borough of Darlington.*
  - *To undertake continual consultation with users of the service and to use the feedback to develop the service in ways which promote further improvement..*
  - *To operate the service in ways which are accessible to the public, taking into account the differing needs of individual groups .*
  - *To provide a service which is fair, consistent, takes account of all views and which is professional in all its dealings with the public.*
  - *To communicate and negotiate openly and effectively with users of the service in order to secure acceptable development and to explain the reasons why development has been allowed or resisted.*
  - *To provide planning support to others involved in the delivery of the Council's Visions and Aims.*
- 4.2 The following sections of the Charter take forward these aims and translate them into a series of detailed statements on service delivery.

### 5. Information and advice

- 5.1 The Council encourages informal discussions about a proposal before an application is made. These can help applicants to put forward their plans in a form which will stand the best chance of gaining approval. They can also help to ensure that applications can be dealt with as efficiently as possible because the Council is already aware of some of the issues which will need to be addressed. Suitably qualified staff are

usually available during normal working hours to provide general information and advice. The Development and Environment Department is currently open to the public from 8.45am to 4.45pm, Monday to Thursday, with a 4.15pm close on Friday.

- 5.2 In the case of a specific proposal, it is a good idea to make an appointment with the particular officer who will deal with the case to ensure that the enquiry can be dealt with promptly, efficiently and in sufficient detail. If a proposal is large and complex, a meeting can be arranged at which all the relevant officers can be present. With major proposals, the Council may set up a development team to deal with the application. To find out who is the case officer for a particular proposal, telephone or call into the Development and Environment Department. If an enquiry is being dealt with by correspondence, the name of the case officer, their contact number and enquiry reference will be included on all correspondence and it can be helpful to have this if you telephone or visit the Department.
- 5.3 Response times will be within the Council's corporate targets. If advice is sought by way of a letter you should receive as full a reply as possible within 10 working days. As some matters can be complex and may require considerable research you should be given a full reply within twenty working days, or advised on how long your enquiry should take.
- 5.4 The majority of telephone enquiries will be dealt with there and then. However if it is not possible due to the need to seek technical or other information, they will normally be replied to within one working day. Similarly if the advice or information is sought from a particular officer who is not available the call will normally be returned within one working day.
- 5.5 Advice given will be as accurate and as objective as possible. But this has to be informal and cannot be binding on the Council's formal decision. On request, and where possible from the details provided, advice will be given about the merits of a proposed development and whether there are planning issues which need to be considered by the applicant before they submit their plans. If requested, advice will also be given, where known, on other approvals or consents which may be necessary, or on other steps which may need to be taken.
- 5.6 Copies of the Council's planning policies and other relevant documents will be made available, as will general guidance on the Development Management system and information about Council's procedures, Committee dates and membership. There may be a charge for some documents.
- 5.7 The Council will seek new ways to publicise the availability of free informal advice on planning matters.

## 6. Submitting a planning application

- 6.1 Help or advice will be freely available to persons wishing to complete the application forms, how to decide the necessary fee and in providing private individuals with Ordnance Survey location plans. There will be a reasonable charge for providing these Ordnance Survey location plans. It is entirely the applicant's responsibility to make sure that the application is submitted correctly.
- 6.2 Some applicants may prefer to use professional advisers or agents. In such cases all correspondence, discussions and negotiations will take place directly with the adviser or agent. When the application is finally determined the decision notices will be sent direct to the nominated agent.
- 6.3 Each valid and complete application will, normally within three working days, have the following work done on it:
  - entered onto the statutory planning register*
  - the planning history will be identified*
  - constraints will be identified*
  - a target decision date will be identified*
  - an acknowledgment letter will be dispatched*
  - dispatch of consultation letters*

*commencement of statutory and discretionary publicity procedures  
file passed to identified case officer*

- 6.4 The acknowledgement will explain the applicant's rights and will indicate the name and contact number of the case officer dealing with the application. The applicant will also be advised of the date by which the application should be determined (the statutory decision date) and their rights if a decision is not issued by the date.
- 6.5 If the application is incomplete or not legally valid, the applicant or agent will be advised in writing, normally within two working days following receipt. Wherever possible a telephone call will be made to the applicant or agent to make them aware of the position at the time that the letter is produced to provide early notice of the problem. A clear explanation will be provided about what they must do to correct the application. If necessary a further reminder letter will be sent after a further ten working days. If no progress has been made, the application will be returned after a further ten working days and arrangements made to refund any fee paid to the Council.
- 6.6 If the application is for a proposal which is found to be "permitted development", that is work not requiring planning permission, it will be returned, normally within ten working days following receipt, and arrangements made for any fee to be refunded.

## **7. Consultations**

- 7.1 The statutory Planning Register, which lists all current planning applications and past decisions, will be available for public inspection during office hours. Copies of planning applications will be placed in the register within three working days of their receipt.
- 7.2 Information about all valid planning applications received will be compiled by way of a weekly list which will be available free of charge at the Development and Environment Department at the Town Hall, and available for postal subscription for an annual fee. It is intended to make this available on the Council's web site in the near future.
- 7.3 Statutory consultees will normally be allowed twenty one days to respond to consultation letters.
- 7.4 Applications will be publicised in line with procedures set down by Central Government. This may take the form of a press notice and/or site notice and/or direct notification by letter. The Council has produced its own publicity guidelines and details of the notification and consultation scheme are available for public inspection.
- 7.5 All persons notified about a specific planning application will be advised where and when they can see it, how they can make comments upon it, and they will be allowed twenty one days in which to do so. If material amendments are made to an application, it may be necessary to re-notify neighbours or interested parties and in this event a further fourteen days for comment will normally be allowed.
- 7.6 Should any persons be unable to visit the Council Offices to view plans, e.g. the elderly, disabled, infirm, or parents with young children, arrangements will be made for an officer to visit them to explain the proposals. In appropriate cases copies of the actual application can be supplied, but these must be returned to the Council once the application has been determined. In order to assist the visually impaired, the Council will seek to make plans available when necessary in an enlarged format, or make arrangements to explain the proposals in more detail to the person involved. All letters of representation concerning planning applications will be acknowledged within three working days. Comments on planning applications form part of the public record of the application and will be shown to the applicant or other interested parties on request.
- 7.7 The Council will follow procedures to ensure that any letters containing racist comments are returned to the sender and not referred to in reports to Committee. Persistent racist comments will be referred to the Commission for Racial Equality or the Police.

## 8. Assessment and Negotiation

- 8.1 The case officer will normally receive the working application file within three days following receipt of a valid application.
- 8.2 The case officer will make an early visit to the site, normally within ten working days of the Council registering the application. Normally it will not be necessary for the applicant or agent to be in attendance. If there are difficulties in gaining access, the case officer will make an appointment at an early stage.
- 8.3 Where it is clear from the outset that relevant information is missing from the application, the applicant or agent will be informed of the required information and the reasons for it within five working days of the initial site visit. A time limit for their return will be given and the implications of non return will be explained.
- 8.4 If the need for further information arises while the application is being dealt with (for example as a result of replies from statutory consultees such as Northumbrian Water Ltd.) the applicant or agent will be informed quickly of that need and the reasons for it.
- 8.5 If a proposal is unacceptable as submitted, but can be amended to overcome its deficiencies, relevant advice will be given to the applicant. Where appropriate, drawings will be used to illustrate suggestions made. A time limit for the supply of amendments will be given. In such circumstances more time may be needed to consider a revised application before a decision can be made, particularly if the Council needs to re-consult. Where amendments are of a fundamental or extensive nature, applicants will be requested to withdraw the application pending a re-submission once a revised application can be formulated. The implications of such actions will be explained.
- 8.6 Applicants or agents will be encouraged to keep in touch with the case officer about the progress of their application.
- 8.7 If an application cannot be determined within the statutory time period, the reasons will be explained. More time will be taken only if there is a good reason for doing so and this will be requested in writing by the Council.
- 8.8 If a planning obligation (a 'section 106 agreement') or unusual planning conditions are likely to be required, the applicant or agent will be told at the earliest opportunity and, where practicable, negotiations over the form and content of the obligation or conditions will be conducted alongside the processing of the application.
- 8.9 Planning obligations form part of the public record of the application and will be available for public inspection on the application file when completed.

## 9. Making the decision

- 9.1 The Council operates a system which allows certain planning decisions to be issued with the authorisation of the Director of Development and Environment. A list is produced each week of all such 'delegated' decisions, copies of which can be obtained on request. Where an application does not come within the scope of the delegated powers, the application will be reported to the Planning Applications Committee for determination by Councillors.
- 9.2 The Planning Applications Committee meets on a four week cycle, generally on a Wednesday, to consider planning applications. The meetings commence at 1.30pm. The dates of the meetings, which are open to the press and public, together with details of membership are available on request. The Committee Agenda will normally be available three clear working days before the meeting, i.e. Thursday of the week before. Applicants and persons who have raised objections will be informed by letter of the date of the meeting at which the application in which they have an interest will be considered.
- 9.3 Darlington Borough Council operates a public speaking scheme at the Planning Applications Committee. A leaflet which explains how the scheme works will be available on request. In addition copies of the leaflet will be supplied to all applicants with the acknowledgement letter and will be sent to any person who makes

written comments on an application i.e. objectors. With the approval of the Chair of the Planning Applications Committee, applicants, objectors and other interested parties will be given the opportunity to speak at Committee if they wish. This will enable people to explain their particular views in person. They will be expected to keep their presentation within the guidelines set down in the leaflet, which include a three minute time limit and the principle that only one representative should speak for an application and one against.

- 9.4 All comments received will be fully considered before a decision on the application is reached. Decisions are normally made in accordance with the policies contained in the Development Plan, and where this is not the case the reasons for so doing will be clearly explained. All decisions, reached either under delegated powers or by the Planning Applications Committee, will be taken following the preparation of a written report on the case which will set out all relevant material planning considerations.
- 9.5 Planning decisions will be issued to the applicant within two days of the decision being made. The statutory planning register will be updated within three working days following the decision.
- 9.6 Where an application is refused the reasons for the decision will be set out clearly. Changes or alternatives will be suggested, on request, where it is felt that these might lead to a favourable decision on a revised application. The applicant's right of appeal against a refusal of permission or the imposition of conditions will be explained.
- 9.7 Some matters brought to the Council's attention by interested parties may fall outside the scope of planning conditions, or even outside the control of the local authority. Where it is clearly in the public interest for the applicant to be made aware of such a matter the Council will attach an informative note to the planning decision, but it will remain the applicant's responsibility to ensure that they have all necessary legal consents before proceeding with the development.
- 9.8 Persons who have made individual representations and organisers of petitions will be informed of the decision on the application within five working days of that decision being issued. Information regarding determined applications will be publicly available.
- 9.9 Some decisions may not be finally made until the applicant and other relevant parties have entered into a planning obligation. The Council's Solicitor may prepare the obligation but the cost will have to be borne by the applicant. Alternatively, the Council may agree to the applicant employing a solicitor to prepare the obligation. The Council will regularly review the progress of applications awaiting completion of obligations and may reconsider the decision where progress is lacking.

## 10. Monitoring development

- 10.1 Once planning permission has been given, an applicant may need to submit details for approval which have not been agreed beforehand. These details will be described in conditions attached to the permission and approval must be sought and obtained before development can start. The Council will deal with these details as quickly as possible and normally under powers delegated to the Director of Development and Environment. As with full planning applications, however, much depends on the quality of the details supplied and the ability of the applicant or agent to respond quickly to suggested changes. In the case of straightforward matters, such as the type of external building material to be used, a decision will be issued or a request for further information will be made, normally within five working days of receipt. In the case of much more complex matters, such as landscaping schemes, a decision will normally be issued within fifteen working days.
- 10.2 Any development granted planning permission must be carried out in accordance with the approved plans and supporting conditions. It is important that the Council's requirements are met and that the permission is correctly implemented. It is the applicant's responsibility to let the Council know if amendments to the approved development are necessary or if discrepancies are found. The consideration of amendments will be dealt with promptly on receipt of amended plans. If further consultations are necessary the applicant will be advised of them along with a likely decision date following the expiry of such consultations.



- 10.3 The Council will selectively monitor development as it takes place, to ensure that it complies with the approved plans and any conditions which have been imposed. Non compliance will be treated as a breach of planning control and the Council can consider taking further action.

## 11. Enforcing planning control

- 11.1 The Council's practice on enforcement is to follow Central Government advice contained within Planning Policy Guidance Note 18 - "Enforcing Planning Control". The Council also endorses the principles set down in the Enforcement Concordat. The Council has an approved Code of Practice which sets out in detail the procedure which will be followed in the investigation of enforcement cases.
- 11.2 When an alleged breach of planning control is reported or suspected, the site or premises will be inspected and further information sought to establish the facts. Where a breach of planning control is established, the person or company responsible will be informed of what is wrong and what action, subject to a time limit, is necessary to remedy it. They will also be advised of the consequences of failing to take the agreed action.
- 11.3 All complaints relating to alleged breaches of planning control will be investigated and treated confidentially within the Council. Receipt of a complaint will be acknowledged, normally within one working day of receipt. Complaints will be categorised in terms of priority for action in accordance with the approved Code of Practice.
- 11.4 In the case of Category 1 Emergency Complaints the site or premises will be inspected the same day as the complaint is received. A letter will be sent to the complainant explaining the Council's proposed course of action within three days. In Category 2 Priority Complaints cases the site will be visited within five working days of the receipt of the complaint and a letter sent to the complainant explaining the proposed course of action. In the case of Category 3 Complaints a site inspection will be made and a letter sent within 10 days.
- 11.5 The complainant will be further notified in writing of the decision to take, or not to take, further action within ten working days of that decision being made. If the Council decides not to take action the reasons will be fully explained.
- 11.6 Any complaint which is received by telephone or in person should be confirmed in writing as soon as possible. It is the general policy of the Council to not investigate anonymous complaints.
- 11.7 Sites or premises which are the subject of enforcement proceedings, or of action to remedy a breach of planning control which has been agreed, will be regularly monitored to ensure compliance with either the notice served or the agreed remedial action.

## 12. Appeals

- 12.1 A decision by the Council to:
- impose conditions on the grant of planning permission*
  - refuse permission*
  - take enforcement action*
- can be challenged by making an appeal.
- 12.2 Appeals are decided by the Secretary of State for the Environment or a Planning Inspector appointed by him. Appeals must be made by filling in a form obtained from the Planning Inspectorate in Bristol. Except in the case of enforcement, the Council is unable to issue these forms.
- 12.3 Rights of appeal and how to appeal will be made clear when the decision notice or enforcement notice is issued. The case officer will be available to give advice on whether and how development proposals or unauthorised development could be changed, where these changes might result in acceptable developments and avoid the need for the appeals process. This advice will be without prejudice to formal consideration by the Council.

- 12.4 The Council will deal with appeals quickly and provide information and statements within the timetable set by the Planning Inspectorate.

### **13. Performance Monitoring**

- 13.1 The Council publicises its own performance in the Best Value Performance Plan, setting out the targets within which it aims to make decisions. The success in achieving these targets within the previous year will be reviewed.
- 13.2 If the Council has fallen below its established targets it will identify and detail the reasons for this and describe the measures it proposes to adopt to ensure targets are met. If justified by local circumstances it will examine and review its procedures, practices and targets.
- 13.3 The Council will scrutinise the returns made to the DETR and advise members of the Planning Applications Committee on a quarterly basis. This will show how many applications have been determined within the Governments target of determining 80% of applications within eight weeks, and enable comparisons to be made with the performance of other Councils.
- 13.4 The outcome of planning appeals is reported each month to the Planning Applications Committee. Overall performance will be monitored against the Best Value Performance indicator that not more than 40% of appeal decisions should result in the Council's decision being overturned will be monitored.
- 13.5 The Council will produce a Consultation Plan detailing the measures which will be taken to continuously monitor levels of customer satisfaction with the Development Management Service. Any areas for service improvement identified as a result of the consultation plan will be considered for implementation as part of a Planning Service Plan.

### **14. Complaints Procedure**

- 14.1 The Council will investigate planning complaints in accordance with the approved corporate approach on such matters. Information on how to complain to the Council about the handling of planning applications or enforcement matters will be made freely available.
- 14.2 This should ensure that all complaints are satisfactorily resolved quickly and locally without the need for external arbitration. A complainant will be given a written response detailing the outcome of the investigation and any action the Council proposes to take. If no action is proposed the reasons will be fully explained. However in cases where a complainant remains dissatisfied after fully exhausting the Council's internal complaints procedure, the procedure for pursuing the matter with the Local Government Ombudsman will be explained.

### **15. Planning Aid**

The Council will publicise the Planning Aid service at the Development and Environment Department reception. An advice leaflet will be available on request on this source of independent advice on planning.

### **16. Planning Performance Indicators**

#### **Development Management Targets**

1. Decide 80% of householder planning applications within eight weeks of receipt.
2. Respond to written requests for advice within ten working days.
3. Aim to answer telephone enquiries that cannot be dealt with immediately within one working day.
4. Register planning applications and write to confirm receipt within three working days.

5. Write to applicants within two working days if the application is incomplete or invalid.
6. Enter copies of valid applications in the Statutory Register within three working days.
7. All notices and advertisements to stipulate a date by which comments have to be made.
8. Acknowledge comments on a planning proposal within three working days.
9. Inform applicants and objectors in advance of the time and date on which the application of interest to them will be considered by the Planning Applications Committee and of any Site Visit by members.
10. Inform persons who made a comment on the decision taken within five working days.
11. Publish a weekly list of planning applications.
12. Issue decisions to applicants within two working days and enter copies of decisions in the Statutory Register within three working days of sending them out.
13. Decide straightforward details to discharge planning conditions within ten working days.
14. Deal with all Enforcement Complaints within the timescales set down in the Councils Code of Practice.
15. Review performance against Government Targets through the Best Value Performance Plan.