

## Introduction

Planning Services is responsible for assessing and making decisions on applications to develop land made under the Town and Country Planning Acts and the preparation of the Local Development Framework. The Service is also responsible for land charge searches, listed buildings, sustainable development, landscape protection, tree protection, and the enforcement and compliance of planning control.

Planning Services works within the framework of the Council's Corporate Plan, which has the following aims:

- Promote and maintain a thriving and diverse local economy
- Care for our environment
- Have housing suitable for local people
- Develop safer and stronger communities

Planning Services has objectives which contribute to these aims. They are set out below. The Council's planning policies also seek to support the urban and rural economy, and to promote health and well-being.

This charter describes the way the services are provided, so that our customers know what they can expect of us.

- 1 Policy framework, obligations and duties.
- 2 Pre-application advice.
- 3 Handling planning applications.
- 4 After a planning decision.
- 5 Enforcement and compliance.
- 6 Access to information.
- 7 Performance targets.

The Sustainable Community Strategy for Tunbridge Wells (2007) sets out a vision for the borough. This is a vision that the Council and a wide range of key organisations and individuals support. Planning Services will help to achieve some important parts of the Sustainable Community Plan. This will include the parts that rely on physical development. Another important part of the Sustainable Community Strategy is how we deliver services in the borough. Therefore, the way Planning Services provides services to the community also needs to be consistent with the strategy.

### Our Service Objectives

- To ensure that decisions on planning applications protect and enhance the built and natural environment of the borough and are generally consistent with the Development Plan.
- To work with the local community, applicants and potential applicants for planning permission to improve the quality of development proposals.
- To provide an effective enforcement and compliance service.
- To involve the community and interested parties in the production of an up-to-date and robust planning framework.
- To deliver projects and partnership schemes that aim to preserve and enhance the built and natural environment of the borough.
- To process planning applications in a timely manner taking into account the interests of both the applicants and those commenting on development proposals.
- To provide a high quality service to our customers through the Planning reception, website, telephone and written contact.

## Policy Framework

The production of the Local Development Framework, which is a collection of planning policy documents, will involve significant consultation with the local community. The published Statement of Community Involvement sets out how the Borough Council will involve the community. We will ensure that members of the local community have the opportunity to participate in and comment on the documents during the statutory consultation period. We will focus on providing a wide range of methods for community involvement at the earliest stage in the process for each document.

The Borough Council is committed to maintaining an up-to-date list of consultees and will use this as the basis for all its community engagement on the Local Development Framework. The Borough Council also has online consultation software, which enables people to make comments on new planning policy documents by using the internet. By registering, people are able to specify if they wish to be instantly notified that new planning policy documents are available for consultation. The programme for production of the documents is set out in the Local Development Scheme.

In exercising its functions as the Local Planning Authority, Planning Services on behalf of the Council has various legal obligations which have to be met, including duties in regard to the High Weald Area of Outstanding Natural Beauty, Listed Buildings, Conservation Areas and Biodiversity.

The role of the case officer on planning applications is to gather any information necessary to consider the application and to assess the application against the policies contained in:

- The Tunbridge Wells Borough Local Plan 2006
- The Kent and Medway Structure Plan 2006
- Government Circulars and Planning Policy Guidance/Statements
- Supplementary Planning Guidance/ Documents issued by the Borough Council and Kent County Council

Planning applications will be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The Development Plan for the borough is currently the Kent and Medway Structure Plan and the Tunbridge Wells Borough Local Plan. The Local Development Framework and the South East Plan will eventually replace the Local Plan and the Kent and Medway Structure Plan and will become the Development Plan for the borough.

The Council has also produced Supplementary Planning Guidance and Supplementary Planning Documents on specific topics, such as Recreation Open Space. These documents supplement policies and strategies set out in other statutorily produced documents, such as the Local Plan. The Council's planning policy documents are available on the Council's website [www.tunbridgewells.gov.uk](http://www.tunbridgewells.gov.uk) and at the Town Hall or Weald Information Centre, Cranbrook.

### Our Service Standards

- We will ensure the Local Development Framework seeks to address spatial issues raised in the Sustainable Community Strategy.
- We will maintain an up-to-date list of consultees as the basis for community engagement on the Local Development Framework.
- We will provide clear and up-to-date timetables for participation exercises and statutory consultation periods.
- We will use a wide range of consultation methods and inform people of outcomes.
- We will provide policy advice as and when required.
- We will provide resourcing for projects and partnership schemes, including the Kent High Weald Project, the High Weald Area of Outstanding Natural Beauty, enhancement projects and Heritage Partnership Grants.

## Pre-Application Informal Advice

We encourage pre-application discussions to help improve the quality of development proposals. We ask prospective applicants to develop their proposals to sketch scheme stage, in advance, as a basis for discussion. Pre-application advice can only give a general guide to the likely outcome of an application. We consult other organisations and the public as part of the formal application process. During this process we may become aware of other information or issues which may affect the outcome of the application. An Area Planning Committee may decide the application. For these reasons we will give our pre-application advice without prejudice to the formal consideration of an application.

Where developers are proposing a major development, we encourage them to involve the local community at an early stage, before they make a planning application. You can obtain further details on this in our leaflet 'Guidelines for involving the community before submitting a Planning Application'.

The Council has adopted and published a directive on 'major applications'. This document (available on the website) sets out the requirements for information to be submitted with applications to make them valid.

The Government, in framing planning legislation, has decided that consideration of minor development with little impact on the environment should not overload the system. It has granted 'permitted development' rights to a wide range of minor works. The rules covering permitted development are very detailed and complex.

Planning Services advises householders and others whether they need planning permission. This is done informally at the planning reception, by phone, or formally through the submission of an application for a Lawful Development Certificate.

### Our Service Standards

- We will provide informal advice about whether planning permission is required.
- We will offer pre-application advice to prospective applicants.
- Accurate objective advice will be given without prejudice to the formal consideration of a planning application.
- We will encourage those promoting major development to involve the community at an early stage.

### What we ask

- Lawful Development Certificates should be submitted to determine the need for planning permission.
- Prospective applicants should develop their proposals to sketch scheme stage as a basis for pre-application discussion.
- Developers of major proposals should be prepared to involve the community at an early stage.

## Handling Planning Applications

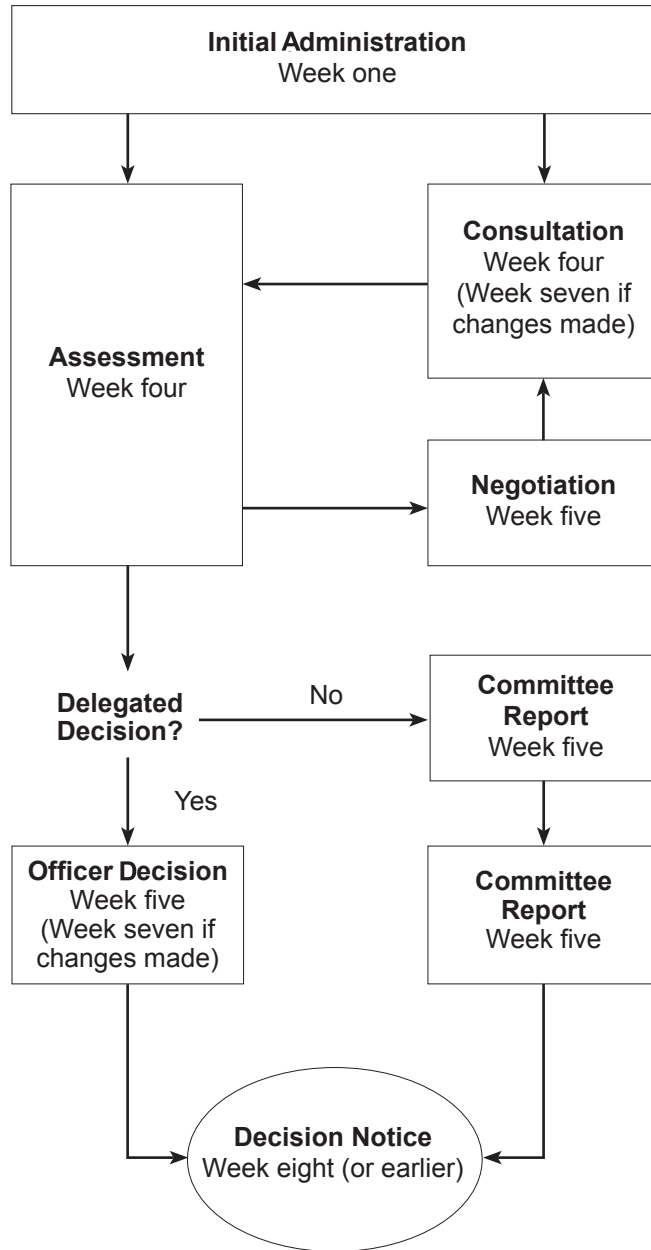
The Council handles around 2,500 applications per year. Applicants submit planning applications on standard forms and the Council has prepared notes for applicants that describe the drawings

required. Fees are required for most planning applications, in accordance with a scale set by Government. Figure 1 overleaf is a chart showing the stages an application goes through.

# Processing a Planning Application

## Householder Applications and Smaller Scale Development

Figure 1



### Initial Administration

The initial administration process involves checking the application for completeness and recording it on the Council’s computer system. We will not validate an application until all necessary information has been provided. During this stage, we will select which

organisations and individual occupiers we will notify of the application. We will decide whether or not a site notice is required. We will allocate the application to a case officer who will be the main contact point for both the applicant and those making comments on the application.

# Processing a Planning Application

## Consultation

Applications are publicised in various ways to meet our objective of involving the community in the planning process. We send a copy of the application to the appropriate Town or Parish Council. We write to occupiers of properties having a common boundary with the application site, advising them of the application. We advertise all applications on the Council's website. (See Access to Information). Certain categories of application require a site notice and a press advertisement – including applications which conflict with the Local Plan, and those which affect a Listed Building, Conservation Areas or Public Footpaths. In addition, we will post a site notice where there is open land, such as agricultural land, next to the application site. Where applications have widespread impact, we will carry out further consultation, either by additional neighbour letters or by site notice.

You do not need to have received a consultation letter to make a comment on a planning application.

Our leaflet 'Making Your Opinion Count' gives further information on how to comment on planning applications. The leaflet contains advice on issues which are relevant to decisions on planning applications, and which are not. Your comments should concentrate on planning issues.

You can inspect any current planning application at the Gateway, 8 Grosvenor Road, Tunbridge Wells, where our staff will be able to assist you with reading submitted plans. You can also contact the case officer by phone or e-mail. It will normally be necessary to make an appointment if you wish to meet the case officer.

You can make your comments online or by letter. We will acknowledge your letter. We will consider your comments carefully and take them into account in reaching a decision. We will inform you of the decision. Your comments will become available for public inspection. (See Access to Information).

## Town and Parish Councils

Town and Parish Councils are important consultees in the planning process. They will receive copies of all applications in their area,

and some Town and Parish Councils can make their copies available to the public. If you live in an area which has a Town or Parish Council, you may choose to send them a copy of any comments you make to us. Some Town and Parish Councils have public planning meetings where you can speak. The Borough Council will carefully consider all comments received from Town and Parish Councils. The Borough Council, as the Local Planning Authority, will make the final decision.

## Assessment and Negotiation

The case officer will inspect the application site to assess the impact of the application on the site and its surroundings. The site visit is a key stage in the assessment of the application. Following the visit, the case officer decides if further details or changes to the proposal are required from the applicant. We may decide to carry out further consultations at this stage, including in-house specialists on heritage, trees or landscape.

The case officer will be the main point of contact for the applicant and consultees. However, the case officer is not individually responsible for the final decision on the application. Senior officers will review applications before the Borough Council makes the final decision.

In some cases, we will suggest changes in order to improve the quality of development proposals or to overcome potential planning objections to a scheme. However, we will not normally negotiate changes to a scheme where:

- There is a fundamental policy objection; or
- A scheme would need to be completely redesigned to make it acceptable; or
- Negotiation would duplicate advice given at the pre-application stage.

The Council is subject to strict time targets for determining planning applications. We will not seek changes if there is no time for the plans to be amended and additional consultations carried out within the statutory eight week period. The target period for major applications is 13 weeks. A major application is one which proposes ten or more residential or if outline 0.5ha or more site area units, over 1,000 sq.metres of commercial floorspace, or a site over 0.1 hectares.

## Processing a Planning Application

The case officer will discuss the application with a senior officer before asking the applicant to make changes to it. Any negotiations undertaken have the same status as pre-application advice. Planning officers will offer advice without prejudice to the decision of the Local Planning Authority on the application.

The consultation period is 21 days. If comments are made after this time, we cannot guarantee to take them into account.

Where negotiations result in significant changes to the proposals, we will carry out further consultation with the Town and Parish Councils. We will also write to those who we originally consulted and anyone else who has made written comments on the application. If the amendment only affects one neighbour, we will only reconsult that neighbour and the Town/Parish Council. The period for consultations on amendments is usually 14 days.

### Decision Making

After we have received any amendments and carried out further consultation, Planning Officers will be able to make a recommendation on the application. This will take into account all the information gathered during the assessment process, together with any Development Plan policies or Supplementary Planning Guidance/Documents relevant to the case. We will also take into account any comments made by the applicant, consultees or by anyone with an interest in the application.

In certain circumstances, a Planning Forum can be called where a petition meeting certain criteria has been received. This is a meeting where local residents and other interested parties can present their views to Councillors, Planning Officers and the applicant some weeks before a planning application is finally determined. The aim of the forum is to allow early discussion of the planning issues raised and to explore the scope for building consensus and for resolving concerns. The forums apply to 'major' applications only (defined as ten residential units or over, or a site exceeding 0.5 hectares, or 1,000 square metres floorspace for commercial development or exceeding 0.1 hectares).

All our recommendations have regard to the need to protect and enhance the exceptional quality of the borough's environment. The Local Plan contains a comprehensive set of policies designed to balance the need for new development with the need to protect our environment. In general, we seek to take decisions which are in accordance with Local Plan policy. However, occasionally, there may be particular reasons for departing from the Local Plan.

Small scale developments are not normally considered by the Area Planning Committees. A senior officer within Planning Services makes these decisions which are called delegated decisions. Around 90% of our planning decisions are delegated. We aim to make delegated decisions whenever possible so applicants get a quicker decision, and so that our Area Planning Committees can concentrate on more complex or controversial cases. Decisions can only be delegated if the application falls within the scheme of delegation which has been approved by the Council.

An Area Planning Committee will decide an application if:

- It is to implement a permission otherwise than in accordance with conditions imposed by Committee.
- A Member has called it in for a planning reason.
- A Member, or person who has been a Member, or a relative or partner of such a person (as defined by the Code of Conduct for Members) within the four years prior to making the application has made the application.
- An officer/employee, or person who has been an officer/employee in the five years prior to making the application, or a relative or partner of such a person (defined in the same terms as those laid out in the Code of Conduct for Members) has made the application.
- The granting of which would represent a departure from the policies contained in the Statutory Development Plan.
- The officers recommendation is to approve a Major Application (as defined by the GDPO).

## Processing a Planning Application

- It would otherwise be delegated but which the Head of Planning services considers should come before the Committee.
- The proposal involves the Borough Council either as applicant or landowner, either on its own, or jointly with another individual or body.

We will notify the agent, consultees and all who have commented in writing of Committee dates. A written report setting out the assessment and recommendations of the Head of Planning Services is prepared for each application. These reports are contained in the Committee Agenda which is available for inspection five working days before the day of the Committee. We will only be able to confirm whether a particular

application will be considered when the Agenda is finalised.

We make Committee Agendas available for inspection at the Gateway; 8 Grosvenor Road; Tunbridge Wells, Weald Information Centre, Cranbrook, and on our website.

We operate a system of public speaking at our Area Planning Committee meetings. Both applicants and those making comments have an opportunity to speak. If you wish to speak, it is necessary to register with the Committee Section by 4pm on the last working day prior to the Committee meeting. Full details of the procedure are contained in our leaflet 'Your Right To Speak at Planning Meetings'.

### Our Service Standards

- In addition to statutory notification requirements, we publicise all applications on the Council's website. We will notify by letter all occupiers of properties having a common boundary with the application site. The consultation period will be 21 days.
- Before we make a decision we will consider and take into account all comments received on planning applications within the consultation period. We will notify those making comments of the outcome of the application.
- We will seek changes to submitted proposals where there is a reasonable prospect of securing improvements to a scheme within statutory time targets. We will not normally enter into negotiations where there is a fundamental policy objection or where the scheme cannot be made acceptable without a complete redesign.
- Where applications are significantly changed, we will carry out further consultations. The period for consultation will normally be 14 days.
- We will take officer delegated planning decisions where this is in line with the Council's procedures.
- For applications decided by an Area Planning Committee, applicants and those who commented on the application will have the opportunity to address the Area Planning Committee. This is subject to the Council's published procedures for public speaking.

### What we ask

- Consultees to restrict comments to planning grounds.
- Applicants to respond promptly to requests for amended plans.

## After a Planning Decision

### Notification of Decision

Once a decision has been taken, we will notify the agent/applicant, the Town or Parish Council, and all those who commented on the application.

### Planning Appeals

An applicant who is dissatisfied with the Council's decision to refuse an application can appeal to the Secretary of State. Most cases are delegated to the Planning Inspectorate who appoint an impartial inspector to decide the appeal. Appeals can be pursued by three methods:

- Written Representations
- Informal Hearing
- Public Local Inquiry

### Our Service Standards

- We will seek an informal hearing or a public inquiry where this is essential to the Council's case.

Either Appellants or the Council can request a hearing or inquiry, although the Inspectorate makes the final choice of procedure. For reasons of economy, the Council seeks to deal with most appeals by the written representation method. However, we will seek an informal hearing or an inquiry where this is essential to the Council's case – for example, where there is a great deal of public interest in the appeal.

Our success rate at appeal is an indicator of the quality of our decision making. Poor decisions are unlikely to be supported on appeal.

## Enforcement and Compliance Monitoring

On 8 February 2007 the Borough Council adopted an enforcement and compliance strategy, the aims of which are:

- To be effective and responsive in the prevention and control of unauthorised development to maintain the credibility of the planning system.
- To correct the undesirable effects of unauthorised development.
- To implement effective monitoring procedures to ensure development is carried out in accordance with planning approvals and that appropriate cross-checks are made with submitted Building Regulation applications.
- To promote a service which is fair, responsive, helpful and consistent in approach.
- Subject to available resources, to pursue proactive initiatives to improve the environment and built heritage of the borough.

All actions will be in accordance with the Borough Council's Corporate Enforcement Policy, adopted 8 February 2007, based on the principles of:

- Proportionality
- Consistency
- Transparency
- Targeting of enforcement action

The full text of both these policies can be found on the Council's website at [www.tunbrigewells.gov.uk](http://www.tunbrigewells.gov.uk).

Most investigations result from complaints by the public, Councillors or Parish and Town Councils. All these individuals and groups have a role to play in planning enforcement, as they are the local 'eyes and ears' of the Planning Authority in the community. Their contribution towards planning enforcement is greatly appreciated by the Borough Council.

Written enquiries are preferred, and in all cases we need the following information:

- The precise location of the site or property to which the complaint relates.
- The exact nature of concern, ie the potential breach of planning control.
- The date the unauthorised development or works began, and a note of whether and when they continue. It is often helpful to keep a diary.
- An indication of any harm caused.
- Where it is known, the identity of the person/organisation responsible.

Unless the complainant has a reason for not giving their details, and explains this, anonymous complaints will not normally be investigated.

All complaints will be acknowledged within five working days and we will aim to keep you informed of progress within 21 days, after the Planning Investigations Officer has visited the site and the Planning Enforcement Team Leader has categorised the matter into one of four categories, as follows:

- Invite a retrospective planning application, Listed Building consent or advert consent application, if the breach that has occurred may be regularised after possible negotiations. The legislation specifically provides that such retrospective applications can be made to regularise development already carried out.

A retrospective application can provide the best way of considering the planning merits of a situation. For example, it may be necessary to balance issues such as employment and the impact of traffic generated by an unauthorised use. The submission of a retrospective application provides a way for us to consider these issues through the normal planning process, in the light of local consultations.

Alternatively, the owner may be invited to apply for a Certificate of Lawful Use or Lawful Development Certificate.

## Enforcement and Compliance Monitoring

- Establish that the matter is not a breach of planning control. It may be, for example, 'permitted development', or it may be that we cannot take action because the works have been completed for more than four years, or there was a change of use more than ten years ago.
- Take no further action, in cases where the breach is of a minor or technical nature, or where the works or use are acceptable without the need to impose any conditions and no public interest would be served by taking the matter any further.
- Take immediate enforcement action to resolve breaches of planning control which require very urgent action and are causing significant damage to interest of acknowledged importance (this can include issuing a summons for a prosecution or a stop notice or an injunction).

In 2005 the Council's Investigation Officers investigated 616 complaints from the public and this number is increasing year on year. There is therefore a need to prioritise initial responses to complaints according to the harm to amenity likely to be caused and to the degree of departure from development plan policies. Regard will also be made to the fact the enforcement action is discretionary and formal action will only be taken where the breach would warrant a refusal of permission that could be supported on appeal.

The Council's adopted strategy has thus agreed to prioritise responses to complaints into four categories.

- Top Priority – eg works to Listed Buildings, felling of protected trees.
- High Priority – eg works in a Conservation Area or Area of Outstanding Natural Beauty.
- Medium Priority – eg works affecting a single neighbour.
- Other Priority – eg satellite dishes, minor works.

However, in individual cases officers need to also exercise their professional judgement in assessing the levels of priority.

The main aims of the compliance work are to:

- Ensure that development is carried out in accordance with approved plans, by regular visits to sites as work proceeds, giving particular attention to major building sites, and key priority sites identified by members and case officers.
- Ensure that the terms of all planning conditions and legal agreements are complied with, particularly with regard to where financial contributions are to be collected.
- Ensure that full plans submitted for Building Regulation approval are consistent with approved planning application drawings.
- Identify instances of non-compliance at the earliest opportunity in order to facilitate resolution, and to resolve instances of non-compliance by negotiation, whenever possible.

### Our Service Standards

- All action will be taken in accordance with the Enforcement and Compliance Strategy, adopted 8 February 2007.
- All complaints will be acknowledged and we will aim to inform complainants of what action is proposed within 21 days.

- Site visits and action will be prioritised according to the four adopted categories.
- There will be proactive monitoring of major building sites and planning conditions and legal agreement, particularly where financial contributions are to be collected.

# Access to Information

## Office Location and Hours

Gateway  
8 Grosvenor Road  
Tunbridge Wells

Telephone 01892 526121  
Fax 01892 544746

Gateway is open 9am-5pm Monday; Tuesday;  
Wednesday and Friday, 9am-6.30pm Thursday,  
10am-4pm Saturday

In addition, information is available at the Weald  
Information Centre, Cranbrook:

The Old Fire Station  
Cranbrook  
Kent TN17 3HF

Telephone 01580 715686  
Fax 01580 715984

Open Monday to Friday 8.30am to 5pm

## Online Services

Our website allows you to view details of current  
planning applications the Council is considering.  
You can follow the progress of an application,  
make a comment on an application, and search  
a weekly list of applications and decisions, view  
the Local Plan maps, view details of historic  
applications, and view property details including  
a map. All of the information comes directly from  
the Council's planning application database that  
we update each working day.

You can make comments about planning  
applications directly online.

As well as being available to those who have  
access to the Internet, visitors to either the Town  
Hall or the Weald Information Centre can access  
the system themselves via desktop PCs.

We are continually looking at ways of improving  
IT within our Service.

## The Gateway

The following information is available from  
Gateway, 8 Grosvenor Road, Tunbridge Wells:

- All current planning applications for relevant  
wards or parishes.
- View all planning decision notices back to  
1974 including enforcement notices..
- All current Development Plan documents such  
as the Local Plan and the Kent and Medway  
Structure Plan.
- Supplementary Planning Guidance/  
Documents produced by the Borough Council.
- All relevant planning application forms.
- Ask to see Planning Information Officers.
- Our staff will be able to assist you with reading  
submitted plans and aim to answer general  
questions on these.
- To make an appointment with a Duty Planning  
Officer.
- To arrange a historical search of a property  
back to 1948

In addition, you can access Public Access for  
Planning and view documents at the Weald  
Information Centre, Cranbrook.

## Performance Targets

### Our Service Plan targets for 2007/08

Proportion of major applications determined in 13 weeks (ten or more residential units)	75%
Proportion of minor applications determined in eight weeks (one - nine residential units)	80%
Proportion of other applications determined in eight weeks (householder applications and other minor developments)	92%
Proportion of appeals allowed against refused applications	29%
Proportion of new homes built on previously developed land	93%

### Jim Kehoe

Head of Planning Services

### Appendix 1

- Sustainable Community Plan for Tunbridge Wells Borough 2006 – 2011
- Environment Strategy
- Statement of Community Involvement (adopted)

### Development Plan Documents adopted or forthcoming

- Draft South East Plan
- Kent and Medway Structure Plan (adopted)
- Tunbridge Wells Local Plan (adopted)
- Core Strategy
- Development Control Policies
- Allocations Document
- Town Centres Area Action Plan

### Supplementary Planning Documents (excluding Conservation Area Appraisals) adopted or forthcoming

- Alterations & Extensions (adopted)
- Recreation Open Space (adopted)
- Kent Design Guide (adopted)
- Renewable Energy (adopted)
- Affordable Housing
- Re-Use of Rural Buildings
- Water Use
- Sustainable Construction

### Supplementary Planning Guidance/ Documents (Conservation Area Appraisals) adopted or forthcoming

- Benenden & Iden Green (adopted)
- Cranbrook (adopted) (under review)
- Goudhurst/Kilndown (adopted)
- Hawkhurst – The Moor, Highgate and All Saints Church and Iddenden Green (Sawyers Green) (adopted) (under review)
- Lamberhurst & The Down (adopted)
- Pembury (adopted) (under review)
- Tunbridge Wells and Rusthall (adopted)
- Southborough (adopted)
- Speldhurst/Langton/Groombridge (adopted)
- Matfield/Brenchley & Horsmonden (planned 2009)
- Sissinghurst (draft)
- Wilsley Green (draft)
- Borough Landscape Character Assessment (adopted)
- Rural Lanes Practice Note (adopted)