

How to View and Comment on a Planning Application

When the Council receives a planning application they will notify those neighbours who they think may be affected by it, however you can comment on any planning application, whether or not you have been notified.

Viewing and commenting on applications

You can search all local planning applications on the Norwich City Council website (<https://planning.norwich.gov.uk/online-applications/>). You can also view other consultation responses from statutory bodies and members of the public.

You can submit your comments online or, if you prefer, write or e-mail the Planning Department, quoting the planning application number. Your objection will have more effect if a number of people write in to object, but petitions and 'standard' letters will not carry the same weight.

There is a time limit to comment, usually within 21 days of notification. You should limit your comments to items which are relevant to planning issues, as in the suggested list below:

- Adverse effect on the residential amenity of neighbours, for example by reason of noise, disturbance, overlooking, loss of privacy, overshadowing, etc.
- Unacceptably high density / over-development of the site, especially if it involves loss of garden land or the open aspect of the neighbourhood
- Visual impact of the development
- Effect of the development on the character of the neighbourhood
- Design including bulk and massing, detailing and materials
- The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity
- The loss of existing views from neighbouring properties would adversely affect the residential amenity of neighbouring owners
- If in a Conservation Area, adverse effect of the development on the character and appearance of the Conservation Area
- If near a Listed Building, adverse effect of the development on the setting of the Listed Building
- The development would adversely affect highway safety or the convenience of road users [but only if there is technical evidence to back up such a claim]

The following points, on the other hand will not be taken into account in deciding on the acceptability of the development in planning terms:

- The identity of the applicant, including racial or ethnic origin or other personal attributes
- The reasons or motives of the applicant in applying for planning permission (e.g. if the development is thought to be purely speculative)
- Any profit likely to be made by the applicant, or the likely detrimental effects on the viability of rival businesses (e.g. competition between supermarkets)
- The behaviour of the applicant, for example nuisance or annoyance previously caused
- Concerns about possible future development of the site (as distinct from the actual development which is currently being proposed)
- Any effect on the value of neighbouring properties

Planning policy

The current local development plan for Norwich is the Adopted Norwich Local Plan (November 2014). It sets out strategic priorities for the greater Norwich area for managing development, and includes specific policies used in making decisions on planning applications. Supplementary planning documents provide additional guidance.

The Council is working with Broadland District Council, South Norfolk District Council and Norfolk County Council to prepare the new Greater Norwich Local Plan (GNLP), which will plan for development until 2036. Once adopted in 2020-21 the new GNLP will supersede the JCS.

The Council must also take into account the National Planning Policy Framework (NPPF), which was revised this year.

If you are objecting in relation to a policy issue you should familiarise yourself with the relevant parts of these documents to give added weight to your objections.

Delegated decisions

Where the application is in accordance with policy and no substantial objections have been received, it may be decided by the Planning Officer under delegated powers. If you believe there is a risk of this, you should contact your local Councillor and ask them to get the application referred to committee, so that it can be properly debated.

Lobbying councillors and MP's

Local government legislation and Code of Conduct have made councillors much more cautious about being lobbied. Generally the only acceptable way is to write identical letters to all the Planning Committee members, and make that clear in the letter.

Writing to your MP is unlikely to be helpful. Even if they do write in on your behalf, say in a matter of their personal concern, their views will carry no greater weight than those of any other objector as an MP has no authority or influence over the Council.

Attending the Planning Committee

Where a planning application is determined by the Planning Committee, this meeting will be held in public. You may attend the meeting and speak for a maximum of 3 minutes per person. You will need to give advance notice to the Committee Clerk at least a day ahead.

You should ensure that you can say what you want to say within the 3-minute time limit. If you exceed your time, you will be unceremoniously cut off, without even having the opportunity to finish the sentence you had started! You should therefore stick to the most important points, cut out any unnecessary detail, and don't waste time with introductory waffle.

Other parties will also have the opportunity to address the committee, but you will have no right of reply nor to ask questions. No interruptions are allowed during the Councillors' discussion of the item in question. You cannot correct or query anything that anyone else says, no matter how mistaken you may think it is.

Getting an application 'called in'

If a major planning application is extremely controversial and raises strategic issues of wider concern, the Secretary of State may be persuaded to call it in for his own determination. However such call-ins are very rare; the only current local application where this could happen, for example, is the Anglia Square re-development.

Challenging a planning permission

If you believe there is a serious legal error in the way that the Council's decision was reached, or if it is so perverse that no tribunal acting reasonably could make it, an application can be made for a judicial review. However that legal judgement sets a higher hurdle than merely showing a decision is unreasonable.

If a challenge is made and subsequently lost, then more often than not the loser pays not only his own costs but also those of the other side. That can be very expensive, in the thousands of pounds, and the chances of success are very slim so a challenge should not be made lightly, and certainly not without prior legal advice.

Planning appeals

If planning permission is refused, the applicant will have a right of appeal to the Planning Inspectorate. If you have objected to the planning application, the Council should inform you if there is a subsequent appeal.

If the application relates solely to a 'householder' application (i.e. the alteration or extension of an existing house), it will be dealt with by a 'fast-track' appeal procedure, and there will be no opportunity for objectors to make any further representations. The Inspector will decide the appeal solely on the original papers, plus an unaccompanied site visit. There will be no hearing or inquiry. In other cases, the appeal can be dealt with either on the basis of full written representations, or at a hearing or public inquiry. In all three of these procedures you will have the right to make further written representations in addition to anything you may have written at the application stage. You can write to the Planning Inspectorate (at the address in Bristol given in the Council's notification letter and quoting the appeal number in full). The same 'Do's' and 'Don'ts' apply to these letters as apply to letters written in objection to the application itself (see above). Where a hearing or public inquiry is held, you have the right to attend this and may register to speak. In this event you should seek further guidance from the Planning Inspectorate regarding the rules and procedures. You may also attend the site inspection if you wish, but there can be no further discussion on site – the Inspector is there only to see the site.

The result of an appeal may not be known for up to 4 weeks, or longer for a Public Enquiry; you can request a copy from the Inspector.

Enforcement Notice

If work has been carried out without planning consent, or there is an unlawful use of land or buildings, you should contact the Council (it can be done in confidence) who will require the owner to make a retrospective planning application. If consent is refused, they will be served an Enforcement Notice to demolish the works or cease the use.

Further challenges

If you were actively involved in the appeal process, there are opportunities to bring a legal challenge to an appeal decision similar to a judicial review. This is a rare and expensive occurrence therefore is not covered here and professional advice should be sought.

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Chair of The Nowich Society Planning Appraisal Committee
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