



Executive 6th February 2008

Planning – revised charges and potential impact of changes to the Householder Consents Scheme

Report of Development Manager

(This matter is the responsibility of Executive Councillor Simon Coles)

Executive Summary

This report provides an update on proposals to increase charges for pre-application planning advice and includes a proposed schedule of charges. It also considers the wider use of lawful development certificates in response to requests as to whether permission is required for a specific proposal.

1. BACKGROUND

- 1.1 A report on pre-application planning advice (i.e. requests for advice on the likelihood of planning permission being granted) was reported to the Overview and Scrutiny Board on November 1st 2007. Members supported the principle of increasing charges for this service and reinvesting additional receipts to improve the service provided. Members also considered that the charge should apply to all requests.
- 1.2 Forthcoming changes to legislation in respect of householder development will inevitably have a significant negative impact on fee income and it is therefore important that the Council considers ways of mitigating this.
- 1.3 These issues were considered by the Overview and Scrutiny board on 24th January 2008.

2. UPDATE ON PRE-APPLICATION ADVICE CHARGES

- 2.1 Following the meeting of the Overview and Scrutiny Board increased charges have been proposed, which it is estimated will raise an additional £15,000 income per annum. Potential to increase charges is limited by government guidance which indicates that such charges must reasonably relate to the service being provided and should not be used to subsidise other work. I propose that the additional income generated will be reinvested in the Planning Service to increase resource both in terms of Planning Officer time

as well as admin support to administer the pre-application service. This will form part of a wider restructure of the Development Management service aimed at increasing the resources available to respond to major applications as well as reducing response times generally.

Full details of existing and proposed charges are attached at Appendix A

- 2.2 With the increase in charges, our customers will rightly expect an improved service. It is therefore proposed to also introduce service standards whereby other than in exceptional circumstances, if the authority fails to meet its target of 15 working days for a response 50% of the charge will be refunded and if a response is not sent within 30 working days the full charge will be refunded
- 2.3 As a result, increased income is entirely dependent upon having adequate staff available to meet these targets. At present there are three vacant planning officer posts and it would therefore be impractical to introduce the charges until these are filled. On the basis that these posts are filled I would like to revise the charges from 1st April 2008.

3. **ENQUIRIES AS TO WHETHER PLANNING PERMISSION IS REQUIRED FOR A PARTICULAR DEVELOPMENT AND THE IMPLICATIONS OF THE HOUSEHOLDER CONSENTS REVIEW**

- 3.1 The Barker Review identified a major issue in terms of the ability of local planning authorities to meet the growth agenda. The report concluded that too much planning officer time was spent dealing with minor proposals and that in future resources should be redirected towards those proposals that deliver housing growth.
- 3.2 Following on from this, the Government has embarked on a review of Householder Consents. The purpose of this is to reassess the General Permitted Development Order with a view to increasing permitted development rights for householder proposals such as domestic extensions. I am expecting this to be enacted later this year.
- 3.3 Taunton Deane currently receives approximately 750 householder applications per year (45% of the total number of applications received). Until the final regulations are drafted it is difficult to estimate what the likely reduction will be. However, the initial consultation indicated a reduction of up to 30% (i.e. 225 applications per year).
- 3.4 It is inevitable that an associated impact of the introduction of this legislation will be a significant increase in requests as to whether planning permission is required. Whilst there is provision within the Town and Country Planning Act 1990 to seek a formal determination (s192 of the Act) Taunton Deane Borough Council has traditionally dealt with such requests on an informal basis. Relevant information is also provided through links from the TDBC website.
- 3.5 The Householder Consents Review will therefore result in a shift away from application based work, which generates a planning fee (currently normally £135 per application); to work that doesn't generate any income for the

authority. In order to continue support the resource necessary to provide a reasonable level of service to the public, ways must be found to mitigate this potential loss of income.

- 3.6 It is increasingly common practice elsewhere for local planning authorities to deal with all requests as to whether planning permission is required formally under s192. This not only has the advantage to the Council of a statutory fee (50% of the planning application fee for that category of development) but the certificate can also be of significant benefit to the householder as it provides them with a legal document that can often prove invaluable should they come to sell the property. I can find no evidence that this leads to an increase in unauthorised development.
- 3.7 This proposal has been discussed with the Council's Senior Solicitor who is satisfied that this type of decision can be made by a planning officer under delegated powers and does not need to be referred to a solicitor for a decision.

4. **RECOMMENDATION**

- 4.1 Subject to paragraph 2.3, the Executive approve the revised charges for Pre-application advice to be introduced from April 1st 2008
- 4.2 The Executive is recommended to endorse the proposal that from 1 April 2008 the Council deals with all requests as to whether planning permission is required in accordance with s192 of the Town and Country Planning Act 1990.

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