



# Pre-application Planning and Building Control Advice

January 2021

Planning and Sustainable Development

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## Please note

Any advice given by Council officers for pre-application enquiries does not indicate a formal decision by the Council as local planning authority. Any views or opinions expressed are given in good faith, and to the best of ability, without prejudice to the formal consideration of any planning application following statutory public consultation, the issues raised and evaluation of all available information.

You should therefore be aware that officers cannot give guarantees about the final formal decision that will be made on your planning or related applications. However, the advice note issued will be considered by the Council as a material consideration in the determination of future planning related applications, subject to the proviso that circumstances and information may change or come to light that could alter the position. It should be noted that the weight given to pre-application advice notes will decline over time.

Open and constructive pre-application discussions are an opportunity for Cornwall Council and applicants to work together to achieve developments that deliver benefits to the individual, community, environment and the economy. This can save time and costs and optimise the potential of a site.

### **Benefits of pre-application enquiries and discussions include:**

- Saving time and resources
- Raising the quality of development
- Speeding up the validation process
- Gaining community acceptance through engagement
- Reducing the number of unsuccessful planning applications
- Identifying the need for specialist input earlier
- Provide sufficient information to support final application

## Do I need permission?

Under regulations issued for England by the Government it is possible to carry out certain developments without any need for planning permission, though it may still be necessary to obtain Building Regulation approval.

These national planning exemptions, referred to as 'permitted development rights', can be withdrawn locally by conditions attached to the original planning permission and are modified if you live in a conservation area, area of outstanding natural beauty or world heritage site. Separate provisions also apply to flats, listed buildings, works affecting Scheduled Monuments, the demolition of certain buildings in conservation areas, works to protected trees and some areas covered by article 4 directions.

For a simple guide to these national regulations as to when planning permission may be required, please visit the planning portal website at:

<https://www.planningportal.co.uk/> or see the separate guidance on householder permitted development on our website.

- Building regulation permission is required if you:
- Erect or extend a building
- Materially alter a building
- Alter or extend a controlled service or fitting
- Change the buildings fundamental use
- Carry out work to or renovate a thermal element

If you intend to demolish a building or part of a building, which is greater than 1750 cubic feet irrespective of location, then you must serve a Demolition Notice to Building Control six weeks prior to demolition.

As with the planning regulations not all building works require Building Regulation permission. Before proceeding with a project, you may wish to clarify the position with us. To do this you can use the 'Do I need Planning Permission or Building Regulations?' form which is available to download from our website or at the main offices. The form covers the majority of development proposals and should be returned to the local planning office accompanied by the required information and fee. Alternatively, the interactive house on the planning portal website provides visual guidance on many householder projects.

<https://www.planningportal.gov.uk/permission/house>

## Householder enquiry

For domestic alterations and extensions individual householders should refer to the [Householder Design Guide](#) and [Householder Submissions Guide](#) on our website and the Planning Portal website for quality planning advice.

We are able provide responses to householder enquiries. Please note these will be **desktop only** assessments. For Listed Buildings enquiries, continue to use Category C when completing the form.

Contact [Building Control](#) for Building Regulation advice.

Please discuss any proposals that you might wish to make with the occupiers and owners of neighbouring properties to ensure that the proposal does not adversely affect their amenity.

Written and verbal advice can be sought for any householder development from Building Control and Building Regulations information can be found on the Building Control pages of the Council's website <https://www.cornwall.gov.uk/buildingcontrol>.

## Further information and what happens next

### What should I include?

The following must be provided on the pre-application advice form:

- Your contact details (including telephone number and email address)
- Address of proposal
- A site location plan (with site outlined in red) to a scale of 1:1250 or 1:2500
- Written description of the existing use on the site
- Written details of the proposal (brief description of works)
- Site plan to a recognised scale
- The fee (if relevant)
- Privacy notice (signed and dated)
- Commercially sensitive form (\*if you do not wish the enquiry to be publicly available)

The more information and the better quality of information you are able to provide, the more detailed response you will receive. You may also like to provide:

- Photographs/photomontages
- Draft design and access, planning or heritage statements
- Architectural detailing
- Site survey, including ecological and tree surveys
- Full elevations at a scale of 1:100/1:50
- Plans showing how the proposal relates to adjoining development

## What happens to my enquiry?

Within five working days of receiving a request for pre-application advice, the service will contact you either by phone or in writing to confirm:

- That your request for advice has been received.
- That the fee, if submitted with the form, is correct or if a fee has not been submitted with the form, what the fee is.
- Any additional information that is required before the submission can be processed.
- The name of the case officer who will be providing the advice and their contact details.

Where a fee has been submitted for advice without all other necessary information and the additional information is not received within a month of the original submission, the fee will be returned but 10% will be deducted for administration costs.

Within 10 working days of receiving a valid request, the case officer will aim to contact you and agree a time and date for a meeting, if requested. This could be a telephone discussion. The target date for responding to a valid request will be 30 working days, although this cannot always be guaranteed for more complex schemes. Meetings will normally be held in a meeting room at the main planning offices but can be held at mutually agreed locations.

## What is provided?

An officer will:

- Research the history of the site.
- Identify and assess the prospective application against Council policies and standards.
- Highlight the need for further investigations or key groups that need to be consulted.
- Provide a detailed written response in context to the information supplied, and specific questions asked in the initial enquiry and at meetings as far as practicable, which would include an opinion as to whether or not a planning application would be worth pursuing.

*Non-householder only:*

- *Undertake an unaccompanied site visit, if required.*
- *Arrange to attend a meeting with the prospective applicant, if requested. This could be a telephone discussion.*
- *Advise on the appropriate level of community engagement.*
- *Provide written feedback from Members, the Local Council and local residents received if a Pre-application Community Engagement Forum is held.*

A Principal Development Officer or more senior manager will check the written response before it is issued (even if that person did not attend any meeting).

The advice given will depend on the complexity and nature of the proposed development but could include:

- **Relevant planning policies:** an assessment as to whether the proposal complies with local and national policies.
- **Constraints:** for example, conservation area, world heritage site, area of outstanding natural beauty etc.
- **Land use:** acceptability of proposed uses.
- **Residential development:** acceptability of mix of units, affordable housing requirement.
- **Design:** comments on built form, scale, massing, views, street scene, historic context etc.
- **Amenity:** which properties may be affected, impact on a public right of way, what further assessment is required in terms of daylight/ sunlight studies, noise studies, contaminated land studies, drainage and flooding assessments, ecological and tree surveys and landscape assessment.
- **Transport and highways:** advice and comment on servicing, access, parking standards, cycle parking, disabled parking, requirements for a transport statement/assessment and Section 38/278 matters (Highways Act 1980).
- **Community engagement:** who to contact, e.g. local councils, community groups, and the options appropriate for the proposal.
- **Infrastructure contributions:** possible heads of terms or planning obligations that may be required together with an indication of likely contribution levels.
- **Building regulations:** comments on compliance with the regulations and whether any construction issues may affect the proposed development. Building Control Officers are available to attend meetings, including site visits.
- **Supporting documents:** a list of supporting documents that would need to be submitted with any application. For listed building applications this would include a pre-submission validation check.
- **Consultees:** a list of statutory and non-statutory consultees that would be consulted if a planning application for a similar proposal were to be submitted.
- **Neighbour comments:** any representations made by interested parties on your pre-application proposal will be included in your response, for your consideration.

## Local Council Consultation

The majority of local councils (parish, town and the city councils) welcome pre-application planning discussions and we strongly encourage you to consult the local council and seek their views prior to submitting any application. The benefits of early engagement with local councils are highlighted on the Councils website via:

<https://www.cornwall.gov.uk/planningroles>

Contact details can also be found at:

<http://www.cornwall.gov.uk/community-and-living/parish-and-town-councils>

## Community Engagement

As part of pre-application or Planning Performance Agreement (PPA) discussions, a planning case officer will advise applicants and developers on the most appropriate form of community engagement for a proposal; this advice will form part of all pre-applications discussions from May 2017.

The purpose of enhanced community engagement is to help identify issues so that any subsequent planning application is processed more quickly, and the determination process is smoother. In particular, community engagement will:

- identify any issues that may be considered in any formal application
- inform Members and the public of a development proposal at an early stage in the pre-application process
- inform officer pre-application discussions with the developer
- enable the developer to shape an application to address community issues

Full details of the options for Community Engagement together with Frequently Asked Questions, and notice of upcoming Pre-application Community Engagement Forums will be available on the Community Engagement webpage at:

<https://www.cornwall.gov.uk/planningpreapp>

## Planning Performance Agreements (PPA)

Should the advice you require be based on the need for on-going discussions or require the benefit of the comments of key consultees then we recommend that a Planning Performance Agreement is entered into. This is a bespoke agreement which includes the allocation of a dedicated officer and an agreed timeframe for determination.

Applicants will be advised in writing within 10 working days if we are able to provide the service, in which case a fee quote and further details will be issued. The fee for the PPA will be all inclusive and will be based on the site, scale and complexity of the proposal and the resources needed.

For further information please refer to our Planning Performance Agreement Charter that can be obtained on our website via the following link:

<https://www.cornwall.gov.uk/ppa>

## What if I disagree with the advice received?

We cannot guarantee that you will agree with the advice you receive. In most cases, it is differences of opinion rather than factual errors that give rise to disagreement, and these can only be resolved through the formal planning process. However, if you feel that something has gone wrong, please explain to the officer involved, as he or she may be able to clarify the situation further.

## **What do I do if my planning application has been refused?**

Your refusal notice contains details of how to lodge an appeal. Before proceeding to appeal you are advised to contact the case officer to discuss the reasons for refusal. Following such a discussion you may wish to prepare a revised proposal and enter into pre-application discussions with the Council, for which no fee is required.

## **Freedom of information**

Your enquiry, together with any response made by the Council, will be made available for public inspection unless you confirm in writing to us that the information provided is commercially sensitive. If the Local Planning Authority receives a request, under the Freedom of Information Act (FOI) or Environmental Information Regulations (EIR), to disclose information relating to this pre-application enquiry they are obliged to do so unless the information is deemed exempt under the Act.

*Note.*

*We can only withhold information under FOI or EIR if the information falls under one of the exemptions (FOI) or exceptions (EIR) set out in legislation. For certain pre-application issues the applicant would be advised to complete the commercially sensitive checklist that should set out the reasons why, and for how long, they feel any information relating to the case needs to remain confidential. However, whilst we will take account of these views, the final decision on whether the information should be withheld rests with the Council. The Council maintains compliance to the Data Protection Act and we will not release any personal information to third parties.*

## **Contact details**

**Planning and Sustainable Development, Cornwall Council**

Email: [planning@cornwall.gov.uk](mailto:planning@cornwall.gov.uk)

### **Building Control**

Email: [buildingcontrol@cornwall.gov.uk](mailto:buildingcontrol@cornwall.gov.uk)

***Correspondence Address: Cornwall Council - Planning, PO Box 676,  
Threemilestone, Truro, TR1 9EQ***

**Telephone 0300 1234 151**

Please let us know if you need any particular assistance from us, such as providing the guidance note in a different format or language.