

## **Planning and Development Pre-Application Enquiry Advice: Guidance Note**

### **Introduction**

We welcome and encourage pre-application discussions before the submission of a formal planning application and is committed to providing reliable pre-application advice as part of a positive and proactive planning service.

In order to meet the costs of providing this service, it is necessary to charge for most pre-planning application advice. This ensures that the cost of providing the service is recovered directly, and does not fall as a general cost to the council tax payer. The fee structure has been devised to reflect the scale and complexity of development proposed. Please refer to the service and fee schedule.

### **1. Benefits Of Pre-Application Advice**

The process aims to take some of the uncertainty out of the planning application process and allow applicants to make more informed decisions when considering development proposals. The benefits can include:

- identifying the main issues and set out how we apply the planning policies that are most relevant to your proposal and any other material planning considerations;
- reviewing the relevant planning history of the site;
- identifying straightforward amendments that could be made to the proposal to improve the chances of getting planning permission;
- identifying at an early stage where there is a need for our specialist officer input; identifying external consultees you can approach separately for specialist advice which would be required at application stage;
- identifying any anticipated planning obligation or community infrastructure levy (CIL) requirements; information on this can be found within the [Local Planning Guidance](#) on the Council's website;
- it may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application;
- it can ensure that you have the information to provide all the necessary material to enable an application to be registered as valid; information on this can also be found within the [Local Validation Criteria](#) on the Council's website.

### **2. Written Advice Service**

- Quickest option.
- Suitable option for householder extensions, minor development, in principle and outline proposals or for providing a steer and progressing a project.
- Suitable for commenting on amended schemes following the refusal of an application.
- Suitable when no detailed plans or surveys provided.
- Includes identifying where consultation with specialists would benefit the proposal.
- Includes one written or bullet point response.

- Includes option to submit additional information/justification or minor design amendments for an additional fee within six months following a response from the case officer.
- Target for responses start from four weeks.

### 3. Meeting And Written Advice Service

- Suitable for progressing larger scale proposals.
- May be suitable for smaller scale development where the need for a meeting is fully explained in the submission.
- It is expected that scale plans and supporting documents or an agenda will normally be provided prior to any meeting if requested by the case officer.
- Includes identifying where consultation with specialists would benefit the proposal.
- Specialist internal consultees will only attend meetings if there is sufficient information provided in your submission for them to consider in advance of the meeting.
- Meetings will be at the Civic Centre, St Luke's Avenue Harrogate.
- Meeting requests can be declined by the council and payments returned if they are not deemed necessary.
- Includes one written or bullet point response following the meeting.
- Includes the provision for subsequent meetings to be arranged with the agreement of the case officer for an additional fee on the proposals as originally submitted.
- Includes option to submit one further set of additional information/justification or minor design amendments for an additional fee within six months following a response from the case officer.
- Target for responses start from six weeks.

### 4. Development Categories And Services

There may be instances where a development proposal does not fall within the development categories below. Please consider the scale and complexity of the enquiry in relation to the category and fee.

If you have any difficulty assessing within which category your proposal falls, please [contact us](#).

#### i) HOUSEHOLDER DEVELOPMENT CATEGORY

- Extension and alteration to an existing dwellinghouse
- Development ancillary to the enjoyment of the dwellinghouse within its curtilage
- Target timescale 4 – 6 weeks
- **Written advice service** £150.00
- **1 Meeting & written advice service** £360.00

#### ii) ADVERTS & SMALL SCALE DEVELOPMENT CATEGORY

- All Advertisements.
- Material change in use of buildings and land and the erection of buildings.
- Excludes new dwelling houses and wind turbines.
- Gross floor area does not exceed 99m<sup>2</sup>.
- Site Area does not exceed 0.1ha.
- Target timescale 4 – 6 weeks
- **Written advice service** £400.00

- **1 Meeting & written advice service** £765.00

### iii) MINOR DEVELOPMENT CATEGORY

- 1 – 9 Dwellings
- Material change in use of buildings and land.
- The erection of buildings.
- All other development.
- Gross floor area 100m<sup>2</sup> to 999m<sup>2</sup>.
- Site Area 0.1 ha to 0.49ha.
- Target Timescale 4 - 6 weeks
- **Written advice service** £800.00
- **1 Meeting & written advice service** £1200.00

### iv) MAJOR DEVELOPMENT CATEGORY

- 10 – 49 Dwellings.
- Material change in use of buildings and land.
- The erection of buildings.
- All other development.
- Gross floor 1000m<sup>2</sup> to 4999m<sup>2</sup>.
- Area 0.5ha to 4.9ha.
- Target Timescale 6 – 8 weeks
- **Written advice service** £2000.00
- **1 Meeting & written advice service** £2525.00

### v) LARGE MAJOR DEVELOPMENT CATEGORY

- 50 + Dwellings.
- Material change in use of buildings and land.
- The erection of buildings.
- All other development.
- Gross floor area over 5000 m<sup>2</sup>.
- Site Area over 5.0 ha.
- Target Timescale 6 – 8 weeks
- **Written advice service** £4000.00
- **1 Meeting & written advice service** £4660.00

### vi) PLANNING PERFORMANCE AGREEMENT

Large-scale Major Developments are likely to require a Planning Performance Agreement. The fee will need to fairly reflect the amount of officer time involved and is likely to be more than £3000.00. This will need to be discussed and agreed with the Planning Authority at the outset. Please contact [DMST.HAR@northyorks.gov.uk](mailto:DMST.HAR@northyorks.gov.uk) for further information.

## 5. Meeting Arrangements & Fees

There is the option for additional meetings during the course of the 'Meeting & Written Advice' service only. Additional meetings are at the case officer's discretion, therefore please contact your case officer quoting the pre-application enquiry reference to discuss these and how to pay. Meetings will only be arranged following payment. All meetings are at the Civic Centre, St Luke's Avenue Harrogate. Individual meeting payments which have not

been agreed with the case officer may be refunded with the retention of an administrative fee.

- Householder £210.00
- Adverts & Small Scale Development £365.00
- Minor £400.00
- Major £525.00
- Large Major £660.00

## 6. Amendments Following Pre-Application Enquiry Advice And Fees.

The service allows for one further set of additional plans or information to be submitted as part of the same Pre-Application enquiry process within six months from the date of the response.

If you wish to use this service please contact your case officer quoting the Pre-Application Enquiry reference or email [DMST.HAR@northyorks.gov.uk](mailto:DMST.HAR@northyorks.gov.uk). If the information is considered to be suitable for this process rather than a new pre-application enquiry we will send you an acknowledgment with a target date when the payment has been received and the information has been registered.

- Householder £75.00
- Adverts & Small Scale Development £200.00
- Minor £400.00
- Major £1000.00
- Large Major £2000.00

## 7. Timescales

The timescales for each development category are the expected timeframes within which you will receive a response, but there may be occasions where we require further time than shown to deal with enquiries such as:

- additional meetings are required;
- the enquiry is complex for example where development in principle may be more restricted such as the Green Belt, Open Countryside and Nidderdale AONB;
- the site has an extensive case history;
- the case officer requests further details if insufficient information is provided;
- the case officer is dependent upon specialists advice.

We will contact you to advise if we are unable to meet the expected timescales and explain why.

## 8. Multiple Proposals And Fees

Each site will require its own enquiry as the council registers and records these by site address.

The council will charge alternative proposals on the same site at the highest of the fees applicable for each alternative and the sum equal to half the rest.

## 9. Concessions And Exemptions

Enquiries made by Town / Parish Councils – Half the normal fee

Enquiries which relate to works to improve a disabled person's access to a public building, or to improve access, safety health or comfort at a dwellinghouse – No fee.

## 10. Tell Us What Information You Need

Please use the application form to tell us what information is most important to you, and if you have requested a meeting, the issues you wish to discuss.

The level of advice you'll receive will be based on the level of information you submit to us, the following information is recommended:

- Site Layout Plan
- Existing Plans
- Existing Elevations
- Proposed Plans
- Proposed Elevations
- Floor/Site Area
- Photographs
- Design & Access Statement
- Planning Statement

## 11. How to Submit and Pay for your enquiry

We require the following information to process your enquiry:

- Completed application form
- Location plan
- Correct Fee

Please pay for your enquiry on line and choose Pay Planning/Building Regulation Fees and select from Pre Application Enquiry Fee. Please include the Payment reference on your Pre-Application Enquiry Form. To pay online visit:

[Web Payments](#)

Please send your completed application form and enquiry with your web payment reference included below by email or post to:

[DMST.HAR@northyorks.gov.uk](mailto:DMST.HAR@northyorks.gov.uk)

Planning Services  
PO Box 787  
Harrogate  
HG1 9RW

There is no requirement to send hard copies by post if submitting online.

You will receive an automated acknowledgement your enquiry has been received if you submit online. We will check the submitted details and advise of any missing information within 3 – 5 working days of receipt of the enquiry.

We aim to provide you with an officer contact within 5 working days from the validation date (date all correct information submitted) with an acknowledgement letter and confirmation of the timescale. The officer will be in contact to discuss meeting arrangements if you have applied for this within 10 working days from the validation date.

## **12. Confidentiality & Data Protection**

### **i) Pre-Application Enquiry Stage**

A Pre Application Enquiry will not be published, however we cannot guarantee a PAE will remain confidential. We must comply with the Freedom of Information Act 2000 and Environmental Information Regulations 2004 These provide public access to information held by public authorities. If you have stated on the pre-application enquiry form that it is not confidential then if a request is made under the above acts we will not treat it as confidential and will disclose the information with personal data removed.

If you have provided reasons and a timescale on the pre-application enquiry form that it is to be considered confidential then, if a request is made under the above Acts we will review the reasons and timescale given to determine whether the information can be held as confidential or whether it should be disclosed.

It is important to note that persons seeking information have the right to appeal to the Information Commissioners Officer (ICO) if the council decides to treat the information as confidential. At that point control over whether the information is ultimately disclosed rests with the ICO.

### **ii) Planning Application Stage**

The Pre-Application Enquiry can be a material consideration to be taken into account and given weight in the planning application process.

Therefore if a planning application is submitted by the same applicant, for the same site and for the same development, irrespective of the above, we will publish the Planning Officer's advice on the online Planning Application case file, unless there are demonstrable reasons which preclude this.

In any event, the applicant is encouraged to submit the Planning Officer's advice as part of any subsequent Planning Application.

This information applies to Pre-Application Enquiries received after 1<sup>st</sup> April 2018.

By signing the Pre- Application Enquiry form you confirm you have read the information on confidentiality and the guidance notes and give consent to the publication of the case officer's response if a Planning Application is submitted.

### **iii) Data Protection - How we use your Information**

Any information you give to us will be held securely and in accordance with the rules on data protection. We will treat personal details as private and confidential and safeguard them. We will not disclose them to anyone unconnected with the council unless you have consented to their release or in certain circumstances where:

- we are legally obliged to do so;

- disclosure is necessary for the proper discharge of our statutory functions; disclosure is necessary to enable us to provide you with a requested service or deal with your enquiry;
- where “*legitimate interests*” are relied on in relation to specific processing operations.
- we are under a duty to protect public funds. We may use the information you have provided for the prevention and detection of fraud. We may also share this information with other bodies responsible for public funds or for auditing them for these purposes.

For more information on privacy and how we use your data please take a look at our [privacy notice](#).

### **13. Disclaimer**

Pre-application advice is officer level advice given without prejudice to any formal decision the planning authority may make in dealing with a formal application for planning permission. It is not a formal decision by the council as local planning authority and cannot bind in any way the council’s final decision on any planning application. There may be issues raised through the formal planning application process which have not been considered at the pre-application stage and which may be material to any decision made. Additionally the planning policy context could change between the pre-application advice and submission of a formal planning application and this may affect the assessment of the proposal. The weight that can be given to pre-application advice will therefore decline over time.

If an application is subsequently submitted which fails to take on board advice given by officers, then the council may refuse it without further discussion with the applicant or their agent.