



DARLINGTON
Borough Council

A Charter for Development Management

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Chief Executive

**Planning, Development Management and
Environmental Health Section**

A Charter for Development Management

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1. The Charter - Introduction and Purpose

- 1.1 A key role of the planning system is to protect the environment whilst enabling the development which is necessary for the economic and social well-being of communities. Most people become involved in planning through the Development Management process, either as an applicant for planning permission or as someone affected by a development which is proposed or has taken place. It is important that customers can understand what they are entitled to expect from the service if they are to have confidence in the contribution which it can bring to their local community or business.
- 1.2 Darlington Borough Council receives around 1400 planning submissions per year including tree works and prior approvals and other consents. Whether the application is for a modest extension to a dwelling or for a major new industrial or housing development, certain principles apply. For the applicant, these include the right to expect courtesy, openness and efficiency from those deciding whether the development can go forward. For other people affected by the proposal these principles include a right to be informed and to have their views taken into account when deciding whether a development should proceed. These are key determining principles that guide the decision-making process.
- 1.3 These principles are not new. They are familiar to planning officers and to elected Councillors ('members') who are charged with taking decisions. They may be less understood however by some people who find themselves involved in the planning system - as applicants, objectors or supporters of a proposal, or as part of the wider community. It is acknowledged that for many people or groups the involvement in the planning process may be a one-off and may be rather bewildering. This charter is intended to help resolve some of those uncertainties.
- 1.4 This Charter has been produced by Darlington Borough Council. The purpose of the Charter is to explain how planning applications are dealt with and the standards of service that the Council wishes to achieve. It is to ensure that the Development Management service is delivered in a way which meets local needs and priorities, according to standards which everyone can understand and in line with Government requirements.

2. Service and Quality

- 2.1 Development Management is a process which regulates development and uses of land. It involves the consideration of planning applications, the monitoring of development as it takes place, enforcement action where unacceptable breaches of control have occurred, and the provision of information and advice about general planning matters and individual proposals. It is a process governed by law, and can be complex.
- 2.2 It is also a service which can be of great benefit to local communities and businesses. Its objective is to ensure that changes to our physical surroundings - buildings and land - are right for their purpose and location. The National Planning Framework produced by Central Government and the Borough Local Plan which is currently at an advanced stage of preparation, contains specific planning policies and proposals. These are backed up by the [Supplementary Planning Guidance Document](#) ⁽¹⁾ which the Council produces on some

matters, for example house extensions and affordable housing. All planning applications are considered against this framework. The policies which are contained within the Borough Local Plan of significant relevance are developed after extensive local public consultations and are given significant weight. The National Planning Framework is equally relevant. However other material factors must also be given careful consideration.

- 2.3 The aim is to make the best decision about each application, not necessarily the quickest. The granting of planning permission often has a profound impact on the environment and residents of the Borough. It is important therefore that the decision-making process takes into account the impact of a proposal on the environment and on the interests of the whole community. It also means balancing the needs of the applicant against the effect a development might have on neighbours and other people living nearby. This balance brings the Council and in particular the Planning Committee into the role of arbiter of the various information submitted with applications and the application of National and Local policies. The former is guidance that the Council produced by Central Government and the latter is a suite of policies that have been agreed and adopted by Darlington Borough Council.
- 2.4 Applicants, businesses, neighbours and the public generally are all customers of the Council through the Development Management service. Many have little or no experience of how the system works. In providing quality in the Development Management service, all customers must be treated efficiently, positively, courteously and equally. This Charter sets out how the service will be delivered within Darlington Borough to provide such quality of service to all its customers.

3. Factors affecting service quality

- 3.1 The Council aims to provide a Development Management service of a good standard. However, it is important to appreciate that many things which lie outside the Council's direct control can influence the standard of service provided.
- 3.2 Efficiency relies on all those involved providing the right information at the right time. In an ideal world, all planning applications would have the correct fee, complete and accurate forms, plans and supporting information; consultees would reply quickly; negotiations would be conducted in a positive manner; and any requested amendments would be submitted promptly. Practically this is not always possible .
- 3.3 Other things which can cause difficulty include unexpected variations in the number of applications received, in particular the number of major or contentious applications which consume a large amount of staff time. Resources that can be committed to the service are limited. We do regularly review our services to ensure that appropriate resources are available to meet expectations of the public.
- 3.4 From time to time, therefore, circumstances will combine to influence the quality and efficiency of the Development Management service. The Council will seek to anticipate and manage these difficulties so as to maintain the highest practicable level of service. The overall ethos of the service is to arrive at quality decisions which take into account planning policy and the representations received following consultation from statutory bodies and of course members of the public.

4. Service Aims

4.1 The Planning Service aims are:

- *To care for, safeguard and add quality to Darlington Borough as a place and to enhance its social and economic well-being.*
- *To undertake continual consultation with users of the service and to use the feedback to develop the service in ways which promote further improvement.*
- *To operate the service in ways which are accessible to the public, taking into account the differing needs of individual groups.*
- *To provide a service which is fair, consistent, takes account of all views and which is professional in all its dealings with the public.*
- *To communicate and negotiate openly and effectively with users of the service in order to secure acceptable development and to explain the reasons why development has been allowed or resisted. At all times we will endeavor to make the process as transparent as possible.*

4.2 The following sections of the Charter take forward these aims and translate them into a series of detailed statements on service delivery.

5. Information and advice

5.1 The Council stresses the importance of using our pre application service. A detailed note of how you may use this service can be found here [PreApp Advice](#) ⁽²⁾

This can help applicants put forward their plans in a form which will stand the best chance of gaining approval.

The pre application service may also advise, in some circumstances, that a proposal is unlikely to gain approval. On receipt of this advice an applicant or agent can then decide whether or not to proceed with an application. They can also help to ensure that applications can be dealt with as efficiently as possible because the Council is already aware of some of the issues which will need to be addressed. The Development Management and Environmental Health service is currently open to the public from 8.45am to 4.45pm, Monday to Thursday, with a 4.15pm close on Friday.

It is preferable contact us by e-mail or telephone.

5.2 With major proposals, the Council may set up a development team to deal with the application. The Development Team is a group of Officers who collaboratively offer advice on major development proposals. If an enquiry is being dealt with by correspondence, the name of the case officer, their contact number and enquiry reference will be included on all correspondence and it can be helpful to have this if you contact us.

5.3 Advice given will be as accurate and as objective as possible. But this has to be informal and cannot be binding on the Council's formal decision. On request, and where possible from the details provided, advice will be given about the merits of a proposed development and whether there are planning issues which need to be considered by the applicant before they submit their plans. If requested, advice will also be given, where

known, on other approvals or consents which may be necessary, or on other steps which may need to be taken. It must be stressed that the Council can not be bound by the contents of a pre application response. It is intended to provide advice to a potential applicant in arriving at a decision to proceed or not with a formal planning application. It does not take into account the views of consultees which are only received as part of the formal planning application process.

- 5.4 Copies of the Council's planning policies and other relevant documents will be made available, as will general guidance on the Development Management system and information about Council's procedures, Committee dates and membership.

6. Submitting a planning application

- 6.1 It is entirely the applicant's responsibility to make sure that the application is submitted correctly. The Council no longer provide Ordnance Survey location plans but links to suppliers are available at [Darlington Borough Council - Site location plan](#) ⁽³⁾
- 6.2 Some applicants may prefer to use professional advisers or agents. In such cases all correspondence, discussions and negotiations will take place directly with the adviser or agent. When the application is finally determined the decision notices will be sent direct to the nominated agent, unless an applicant requests otherwise.
- 6.3 Each valid and complete application will, normally, be validated within two working days and have the following work done on it:
- *entered onto the statutory planning register – [Public Access](#) ⁽⁴⁾*
 - *the planning history will be identified*
 - *constraints will be identified*
 - *a target decision date will be identified*
 - *an acknowledgment letter will be dispatched*
 - *dispatch of consultation letters*
 - *commencement of statutory and discretionary publicity procedures*
 - *file passed to identified case officer*
- 6.4 The acknowledgement will explain the applicant's rights and will indicate the name and contact number of the case officer dealing with the application. The applicant will also be advised of the date by which the application should be determined (the statutory decision date) and their rights if a decision is not issued by the date.
- 6.5 If the application is incomplete or not legally valid, the applicant or agent will be advised in writing, normally within two working days. Wherever possible a telephone call will be made to the applicant or agent to make them aware of the position at the time that the letter is produced to provide early notice of the problem. A clear explanation will be provided about what an applicant must do to correct the application. If after 21 days the application is still invalid the application will not be determined and arrangements made to return it and any fees returned. No further contact will be entered into.

7. Consultations

- 7.1 The statutory Planning Register, which lists all current valid planning applications and past decisions, is now in the [Public Access](#) ⁽⁴⁾ system and is available 24/7. Copies of planning applications will be placed in the register within three working days of their receipt.
- 7.2 Information about all valid planning applications received is compiled by way of a weekly list. This will be available on [Public Access](#) ⁽⁴⁾
- 7.3 Statutory consultees will normally be allowed twenty one days to respond to consultation letters.
- 7.4 Applications will be publicised in line with procedures set down by Central Government. This may take the form of a press notice and/or site notice and/or direct notification by letter. The Council has produced its own publicity guidelines and details of the notification and consultation scheme are available here [Publicity and consultations of planning applications](#) ⁽⁵⁾
- 7.5 All persons notified about a specific planning application will be advised where and when they can see it, how they can make comments upon it, and they will be allowed twenty one days in which to do so. If material amendments are made to an application, it may be necessary to re-notify neighbours or interested parties and in this event up to an additional fourteen days for comment will normally be allowed.
- 7.6 In order to assist the visually impaired, the Council will seek to make plans available when necessary in an enlarged format, or make arrangements to explain the proposals in more detail to the person involved.
- 7.7 Comments on planning applications form part of the public record of the application and will be entered onto Public Access and be viewable by the general public. Objections or supporting comments on applications must be impersonal and should concentrate on the planning issues relevant to the proposal. The Council reserves the right to remove comments that it thinks might be libellous or abusive. We will remove or obscure personal data such as your signature, telephone number or email address but **your name and postal address will be visible**.
- 7.8 Comments will be removed from public display once a Decision has been made.

8. Assessment and Negotiation

- 8.1 The case officer will normally receive the working application file within three days following receipt of a valid application.
- 8.2 The case officer will make an early visit to the site, normally within ten working days of the Council registering the application. Normally it will not be necessary for the applicant or agent to be in attendance. If there are difficulties in gaining access, the case officer will make an appointment at an early stage. During this period applicants and agents are advised not to contact the Officers as there will be little to report.

- 8.3 Where it is clear from the outset that relevant information is missing from the application, the applicant or agent will be informed of the required information and the reasons for it within five working days of the initial site visit. A time limit for their return will be given and the implications of non-return will be explained.
- 8.4 If the need for further information arises while the application is being dealt with (for example as a result of replies from statutory consultees) the applicant or agent will be informed quickly of that need and the reasons for it.
- 8.5 If a proposal is unacceptable as submitted, but can be amended to overcome its deficiencies, relevant advice will be given to the applicant. A time limit for the supply of amendments will be given. In such circumstances more time may be needed to consider a revised application before a decision can be made, particularly if the Council needs to re-consult. Where amendments are of a fundamental or extensive nature, applicants will be requested to withdraw the application and requested to re-submit.
- 8.6 If an application cannot be determined within the statutory time period, the reasons will be explained. More time will be taken only if there is a good reason for doing so. A request to extend this period to determine the application will be sent to the applicant/agent in writing by the Council. The applicant/agent will be asked to fill in a form formally agreeing to an extension of time to deal with the application.
- 8.7 If a planning obligation (a 'section 106 agreement') or unusual planning conditions are likely to be required, the applicant or agent will be told at the earliest opportunity and, where practicable, negotiations over the form and content of the obligation or conditions will be conducted alongside the processing of the application. Preferably as part of the pre application process the heads of terms of S106 Agreements and their amounts will be agreed prior to the application being submitted.
- 8.8 Planning obligations form part of the public record of the application and will be visible on [Public Access](#) ⁽⁴⁾

9. Making the decision

- 9.1 The Council operates a system which allows certain planning decisions to be issued with the authorisation of the Director of Economic Growth and Neighbourhood Services; this is undertaken by the Head of Planning Development Management and Environmental Health. A list is produced each week of all such 'delegated' decisions, copies of which can be obtained on request. For applications which have attracted up to two objections the matter is likely to be dealt with by The Head of Service and the Chair of the Planning Committee.
- 9.2 Where an application does not come within the scope of the delegated powers, the application will be reported to the Planning Applications Committee for determination by Councillors. [3 or more objections]
- 9.3 The Planning Applications Committee meets on a four-week cycle, generally on a Wednesday, to consider planning applications. The meetings commence at 1.30pm. The dates of the meetings, which are open to the press and public, together with details of membership, are available on request. The Committee Agenda will normally be available

three clear working days before the meeting, i.e. Thursday of the week before. Applicants and persons who have raised objections will be informed by letter of the date of the meeting at which the application in which they have an interest will be considered. [During the pandemic special arrangements are in place to carry out Planning Committee virtually]

- 9.4 Darlington Borough Council operates a public speaking scheme at the Planning Applications Committee. A leaflet which explains how the scheme works is available [here](#) ⁽⁷⁾. With the approval of the Chair of the Planning Applications Committee, objectors and other interested parties will be given the opportunity to speak at Committee if they wish. This will enable people to explain their particular views in person. They will be expected to keep their presentation within the guidelines set down in the leaflet, which include a five-minute time limit and the principle that up to three representatives should speak for an application and three against.
- 9.5 All comments received will be fully considered before a decision on the application is reached. Decisions are normally made in accordance with the policies contained in the Development Plan, and where this is not the case the reasons for so doing will be clearly explained. All decisions, reached either under delegated powers or by the Planning Applications Committee, will be taken following the preparation of a written report on the case which will set out all relevant material planning considerations.
- 9.6 The statutory planning register at [Public Access](#) ⁽⁴⁾ will be updated within three working days following the decision.
- 9.7 Where an application is refused the reasons for the decision will be set out clearly. An invite will be offered to discuss further with Officers to establish whether improvements to the section to overcome any reasons for refusal. The applicant has a right of appeal against a refusal of permission.
- 9.8 Some matters brought to the Council's attention by interested parties may fall outside the scope of planning conditions, or even outside the control of the local authority. Where it is clearly in the public interest for the applicant to be made aware of such a matter the Council will attach an informative note to the planning decision, but it will remain the applicant's responsibility to ensure that they have all necessary legal consents before proceeding with the development, e.g. obtaining Building Regulation approval/Party Wall Act.
- 9.9 Persons who have made individual representations and organisers of petitions will be informed of the decision on the application within five working days of that decision being issued. Information regarding determined applications will be publicly available.
- 9.10 Some decisions may not be finally made until the applicant and other relevant parties have entered into a planning obligation. The Council's Solicitor may prepare the obligation but the cost will have to be borne by the applicant. Alternatively, the Council may agree to the applicant employing a solicitor to prepare the obligation. The Council will regularly review the progress of applications awaiting completion of obligations and may reconsider the decision where progress is lacking. Permissions granted subject to an obligation will be time limited. Should agreements not be signed within 6 months, the application shall be deemed to have been refused planning permission without reference back to the Planning Committee.

10. Monitoring development

- 10.1 Once planning permission has been given, an applicant may need to submit details for approval which have not been agreed beforehand. These details will be described in conditions attached to the permission and approval must be usually sought and obtained before development can start. The Council will deal with these details as quickly as possible and normally under powers delegated to the Head of Planning by Development Management and Environmental Health. However, as with full planning applications, much depends on the quality of the details supplied and the ability of the applicant or agent to respond quickly to suggested changes. We will endeavour to deal with these discharge of condition applications within 8 weeks.
- 10.2 Any development granted planning permission must be carried out in accordance with the approved plans and supporting conditions. It is important that the Council's requirements are met and that the permission is correctly implemented. It is the applicant's responsibility to let the Council know if amendments to the approved development are necessary or if discrepancies are found. The consideration of amendments will be dealt with promptly on receipt of amended plans. If further consultations are necessary the applicant will be advised of them along with a likely decision date following the expiry of such consultations.
- 10.3 The Council will selectively monitor development as it takes place, to ensure that it complies with the approved plans and any conditions which have been imposed. Non-compliance will be treated as a breach of planning control and the Council can consider taking further action.

11. Enforcing planning control

- 11.1 The Council's practice on enforcement is to follow Central Government advice contained within Planning Policy Guidance Note 18 - "Enforcing Planning Control". The Council also endorses the principles set down in the Enforcement Concordat. The Council has an approved Code of Practice which sets out in detail the procedure which will be followed in the investigation of enforcement cases.
- 11.2 When an alleged breach of planning control is reported or suspected, the site or premises will be inspected and further information sought to establish the facts. Where a breach of planning control is established, the person or company responsible will be informed of what is wrong and what action, subject to a time limit, is necessary to remedy it. They will also be advised of the consequences of failing to take the agreed action.
- 11.3 All complaints relating to alleged breaches of planning control will be investigated and treated confidentially within the Council. Receipt of a complaint will be acknowledged, normally within one working day of receipt. Complaints will be categorised in terms of priority for action in accordance with the approved Code of Practice.
- 11.4 In the case of Category 1 Emergency Complaints the site or premises will be inspected the same day as the complaint is received. A letter will be sent to the complainant explaining the Council's proposed course of action within three days. In Category 2 Priority Complaints cases the site will be visited within five working days of the receipt of

the complaint and a letter sent to the complainant explaining the proposed course of action. In the case of Category 3 Complaints a site inspection will be made and a letter sent within 10 days.

- 11.5 The complainant will be further notified in writing of the decision to take, or not to take, action within ten working days of that decision being made. If the Council decides not to take action the reasons will be fully explained.
- 11.6 Any complaint which is received by telephone or in person should be confirmed in writing as soon as possible. It is the general policy of the Council to not investigate anonymous complaints.
- 11.7 Sites or premises which are the subject of enforcement proceedings, or of action to remedy a breach of planning control which has been agreed, will be regularly monitored to ensure compliance with either the notice served or the agreed remedial action.

12. Appeals

12.1 A decision by the Council to:

- *impose conditions on the grant of planning permission*
- *refuse permission*
- *take enforcement action*

can be challenged by making an appeal.

12.2 Appeals are decided by a Government-appointed Planning Inspector and are administered by the Planning Inspectorate. More information on making an Appeal is here – [Planning Appeals](#) ⁽⁷⁾

12.3 Rights of appeal and how to appeal will be made clear when the decision notice or enforcement notice is issued. The case officer will be available to give advice on whether and how development proposals or unauthorised development could be changed, where these changes might result in acceptable developments and avoid the need for the appeals process. This advice will be without prejudice to formal consideration by the Council.

12.4 The Council will deal with appeals quickly and provide information and statements within the timetable set by the Planning Inspectorate.

13. Performance Monitoring

13.1 The Council publicises its own performance data, setting out the targets within which it aims to make decisions. The success in achieving these targets within the previous year will be reviewed.

13.2 The Council will scrutinise the returns made to the Government and advise members of the Planning Applications Committee on a yearly basis. This will show how many applications have been determined within the Government's target of determining 80%

of applications within eight weeks, and enable comparisons to be made with the performance of other Councils.

- 13.3 The outcome of planning appeals is reported each month to the Planning Applications Committee and any decision published on [Public Access](#) ⁽⁴⁾

14. Complaints Procedure

14.1 The Council will investigate planning complaints in accordance with the approved corporate approach on such matters. Information on how to complain to the Council about the handling of planning applications or enforcement matters is available online here [Complaints](#) ⁽⁸⁾ We would encourage anyone, be they an applicant or someone making a representation who are not satisfied with the service they have received, to contact the Head of Service by email dave.coates@darlington.gov.uk who will endeavour to resolve their concerns in the first instance.

14.2 It is hoped that many complaints could be satisfactorily resolved quickly and locally without the need for external arbitration. Should it not be possible for a complaint about the service be resolved at this stage, it is possible to use the [Council's complaints procedure](#). ⁽⁹⁾ A complainant will be given a written response detailing the outcome of the investigation and any action the Council proposes to take. If no action is proposed the reasons will be fully explained. However in cases where a complainant remains dissatisfied after fully exhausting the Council's internal complaints procedure, the procedure for pursuing the matter with the Local Government Ombudsman will be explained.

15. Planning Performance Indicators

Development Management Targets

1. Decide 80% of householder planning applications within eight weeks of receipt.
2. Register planning applications within two working days.
3. Write to applicants within two working days if the application is incomplete or invalid.
4. Enter copies of valid applications in the Statutory Register (Public Access) within three working days.
5. All notices and advertisements to stipulate a date by which comments have to be made.
6. Inform applicants and objectors in advance of the time and date on which the application of interest to them will be considered by the Planning Applications Committee and of any Site Visit by members.
7. Inform persons who made a comment on a planning application within five working days of a decision being made.
8. Deal with all Enforcement Complaints within the timescales set down in the Council's Code of Practice.
9. Treat applicants and objectors in a fair and transparent manner.

Footnote

- (1) **Supplementary Guidance:**
<https://www.darlington.gov.uk/media/2232/planning-obligations-supplementary-planning-document.pdf>
- (2) **Pre-App Advice:**
<https://www.darlington.gov.uk/environment-and-planning/planning/planning-application-and-permission/pre-application-service/>
- (3) **OS Maps:**
<https://www.darlington.gov.uk/environment-and-planning/planning/planning-application-and-permission/validating-your-application/site-location-plan/>
- (4) **Public Access:**
<https://www.darlington.gov.uk/PA>
- (5) **Publicity:**
<https://www.darlington.gov.uk/environment-and-planning/planning/planning-application-and-permission/publicity-and-consultations-on-planning-applications/>
- (6) **Have your say:**
https://www.darlington.gov.uk/media/2362/have_your_say_on_planning_applications.pdf
- (7) **Appeals:**
<https://www.gov.uk/appeal-planning-decision>
- (8) **Complaints:**
<https://www.darlington.gov.uk/your-council/complaints-compliments-and-comments/>
- (9) **Complaint:**
https://selfserve.darlington.gov.uk/form/auto/complaints_compliments