

# Planning Guide Newsletter February 2021

## Impact of the Covid Pandemic on Planning Services

Local planning services have had to adapt the way they work due to COVID-19, as there are fewer staff available to work in planning departments mainly due to staff absence and local authority resources diverted to cover core services and planning officers working remotely. This article summarises some of the main implications for anyone who:

- a) Intends to carry out a project which may require planning permission,
- b) Is in the process of seeking permission or,
- c) To commence a project for which permission has already been obtained.

### Prospective Planning Applicants

You may be seeking to find out if you require planning permission for your project or whether it is likely to receive planning permission if you apply. With Council Offices closed to members of the public, some Councils are not accepting any applications submitted by post, telephones often unanswered or in lengthy queues so the only means of contacting your local planning department can be through an email.

**The Planning Guide:** <https://planningguide.co.uk> for your council area does explain how pre-application advice can be sought on a project and you should check your council website to see if this service is currently being offered. There is normally a charge for seeking pre-application advice from councils. In many instances councils have suspended pre-application office and site meetings so it is advisable to provide as much detail as possible upfront, including photographs. You may be offered virtual meetings through software such as Microsoft Teams. Zoom is not accepted due to security issues.

Where you are seeking to establish whether planning permission is required **the Planning Guide** does provide helpful information on householder permitted development rules but before proceeding it is advised you do check with your local council.

However it is likely that receiving a response to your enquiries will take significantly longer than used to be 'normal' as Councils focus on dealing with the submitted planning applications.

### Applying for Planning Permission

**The Planning Guide** provides helpful information on the planning application process, however at present you are advised to submit your application online. Last May the Government instructed planning authorities to ensure that they accept paper applications when and if they are sent in, though these are likely to take longer to validate. Some Councils are only accepting planning application fees through BACS or online card payment having withdrawn the facility to receive or pay in cheques or take payment by telephone.

**The Planning Guide** sets out the minimum documentation required with a householder application but you should check what documents the Council require for your type of proposal, this information should be available on their web site. For some parts of the process, planning departments will accept photographs as evidence when they cannot visit a site. Providing comprehensive photographs of the site and its surroundings with the application could mean a decision is reached more quickly.

In many Councils the validation of applications is taking considerably longer and in some instances Councils are sending out with their acknowledgement letters requests that applicants agree to extend the determination period beyond the 8, 13 or 16 week period applicable to the application. The relevance of this determination period is explained in the [Planning Guide](#) under the section on **'Appealing a Planning Decision'**. It should be noted that if you decide to lodge an appeal against non-determination the Planning Inspectorate report that they are taking longer to reach decisions.

Some applications will require consultation with specialist officers or external bodies, these again are taking longer to respond and can result in additional information being sought from applicants a considerable time after the application was validated.

When it comes to reaching a decision on applications Councils have extended the arrangements for planning officers to reach decisions under delegated powers and fewer applications are heard at Planning Committees. In the spring of last year legislation was passed which suspended the requirement for local authorities to hold Planning Committees in person, resulting in virtual Planning Committees being held online. This means that in most Councils opportunities for both applicants and objectors to address Committees in person are no longer available.

## Implications where planning permission has been granted but not commenced

### Conditions Time Limiting the Planning permission

In June 2020 the planning regulations were amended so that any planning permissions due to expire between 23 March and the end of 2020 is automatically extended until 1 April 2021.

### Conditions requiring discharge

[The Planning Guide](#) explains the process for seeking to discharge conditions which require approval from the Council e.g. details of materials to be used. It is no longer possible for samples to be sent to Council Offices and in some instances conditions can require an inspection to take place on site. If you are unsure about what details are required to be submitted with a discharge of condition application then do contact the Council. As with other applications these are taking much longer to process and it would be advisable to submit condition discharge applications well before your intended commencement date for the project.

### Conditions Limiting Construction Working Hours

The Government has asked Councils not to enforce any planning conditions setting working hours where builders are only working slightly longer hours than specified, or working longer hours for a few days. If the builders need a longer or more substantial change in their working hours, Councils are asked to make decisions within 10 days on the applications to amend such planning conditions.

Given the delays which face those carrying out development projects you may be tempted to proceed without the necessary permissions or condition discharge. This could lead to the Council taking enforcement action to remedy the breach, it can also be an issue when the property concerned comes to be sold and in some instances such as works to listed building result in prosecution.

Please note that at [Planning Guide](#) we do not provide advice or assistance on individual cases. You are advised to either contact your local council or engage the services of an agent, such as a planning consultant or architect.