

## **9. DELEGATION TO PLANNING OFFICERS TO DEAL WITH PERMISSIONS IN PRINCIPLE AND THE TECHNICAL APPLICATION THAT MUST FOLLOW.**

REPORT OF: Solicitor & Head of Regulatory Services  
Contact Officer: Tom Clark, Solicitor & Head of Regulatory Services  
Email: Tom.Clark@midsussex.gov.uk - Tel: 01444 477459  
Wards Affected: All  
Key Decision No  
Report to: Council on 25<sup>th</sup> July 2018

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### **Purpose of Report**

1. To request Council to provide a delegation to planning officers to deal with Permissions in Principle (PiP) and Technical Details Consent (TDC) given the short time scale the legislation provides for decisions to be made.

### **Summary**

2. The Government is concerned to bring forward housing developments as quickly as possible. In order to provide a means by which consent for a residential development can be agreed in principal the Department for Housing, Community and Local Government have introduced a scheme whereby a person can apply on a simple application form for confirmation that up to 9 units of housing can be built on a site not affected by the Habitat Regulations. A decision on that application and the TDC applications that follows must be made within 5 weeks.
3. In order to meet this prescribed timescale a delegation is required to planning officers. It is proposed this delegation should be in consultation with a planning chairman and the relevant Ward members.

### **Recommendations**

4. **In addition to the present delegations to planning officers there should be a delegation to enable planning officers subject to consultation with at least one planning chairman and the relevant Ward members to:-**

**Decide the outcome of an application for Permission in Principle and the application for Technical Details Consent that follows.**

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### **Background**

5. The concept of Permission in Principle was put forward in 2015 as a way to encourage early housing developments on relatively small sites for up to 9 units. Regulations were made on the 15<sup>th</sup> June 2018 to bring these proposals into effect from 1<sup>st</sup> June 2018.
6. A feature of the scheme is the short time in which applications have to be decided. From the time the application is registered a decision must be made within 5 weeks. This means it is not possible for an application coming before a planning committee. Therefore a delegation is required to officers.

7. The proposed delegation ensures that there is consultation with both a planning chairman and the local Ward members. Local residents and statutory consultees including town/parish councils will also be informed. An application for a PiP and the subsequent application for TDC, must be determined in accordance with the policies of the Development Plan unless material consideration indicate otherwise. Additionally a PiP cannot be given for applications which are effected by habitats legislation. These restrictions mean that part of the District within 7 kilometres of the Ashdown Forest is unlikely to come within this arrangement but the Council is seeking a Counsel's opinion given the complexities of the Habitats Regulations and the possible effect on the windfall numbers.
8. Once someone has a PiP they must apply with all the usual details for a TDC within 3 years. This second application outlines precisely what is intended to be built but the determination period remains at 5 weeks unless an extension is agreed and therefore the same delegation is required for these applications as well. Until the TDC application is determined there is no permission to implement.

#### **Other Options Considered**

9. This is statutory means of application and therefore the Council as a Local Planning Authority has to provide a facility for such applications to be made and dealt with.

#### **Financial Implications**

10. If the Council fails to comply with the timescales there is a right of appeal against a refusal or non-determination. Therefore a failure to comply with the 5 week time scale could result in appeals where the Council would be subject to a costs application for unreasonable behaviour.

#### **Risk Management Implications**

11. A delegation is required to ensure a 5 week time scale can be adhered to.

#### **Equality and customer service implications**

12. This method of application is likely to cause issues for neighbours who are opposed to the application given the normal chance to present opposition at a planning committee is not available.

#### **Other Material Implications**

13. The Council's Constitution will be updated to include this new delegation.