

Ashford Borough Council  
Planning and Development Unit

## Development Management Customer Charter



2007-2008  
Promoting Sustainable  
Communities Through  
the Planning Process



ASHFORD  
BOROUGH COUNCIL

## Introduction

The Development Management service is provided by staff in the Council's Planning and Development Unit. Development Management is a process which facilitates and regulates the development and use of land. It is governed by law, and many of its procedures are set down by Central Government. The Development Management Service involves:-

- Consideration of planning applications
- Regulating works to listed buildings and protected trees
- Checking development as it takes place
- Taking appropriate action when the rules are broken
- Giving information and advice about the planning system and about individual planning proposals.

It is a service to the local community and to those who want to invest in the area.

The framework for Development Management in the Borough of Ashford is set out in Government policy (Planning Policy Statements and Planning Policy Guidance Notes), the S.E. Plan, Kent and Medway Structure Plan adopted 2006, the Ashford Borough Local Plan 2000 and the Core Strategy submitted to approved in 2008. These are supplemented by other policies and guidance approved by the Council. Planning applications are considered against this framework and any other material issues, including the views of local people.

The nineteen service standards outlined in this charter set out the level of service you can expect to receive.

### Service Standard One – Service objective

We will strive to plan successfully for the Borough's future and deliver an excellent planning service adding value and quality to development proposals to create places people enjoy, sustainable development, and promote economic growth.

## Making information available

### Service Standard Two – Making information available

We will make general information and advice available free of charge through the Ashford Borough Council Customer Contact Centre, the Ashford Gateways in Park Mall, Ashford and High Street Tenterden during office hours. The website will also provide a major source of planning advice and information. Contact can be made by telephone and by email.

Telephone: 01233 331111

Email: [planningenquiries@ashford.gov.uk](mailto:planningenquiries@ashford.gov.uk)

Website: [www.ashford.gov.uk](http://www.ashford.gov.uk)

Some documents such as the Kent and Medway Structure Plan, the Ashford Borough Local Plan and the Core Strategy (which are used to determine applications) are available for reference at

- the 4 libraries in the Borough.,
- the Council's office at the Civic Centre, Tannery Lane, Ashford
- the Gateways at Park Mall Ashford and Manor Row, High Street, Tenterden
- our web site or via links from our web site.

### **Statutory Register**

A copy of all applications received since 1948 will be available for inspection at the Civic Centre at Ashford. This will be via a microfiche or on a computer screen.

Copies of all applications received since January 2003 are available to view on a computer screen at the Gateway offices in Ashford and Tenterden and over the Internet or via the Council web site on the application search page (see the quick link on the bottom of the home page).

The Council's web site will provide weekly lists of

- new applications,
- decisions on applications,
- applications to carry out works to protected trees and
- appeals against the Council's decisions.

You may also research the details (not including copies of the plans and drawings) of all applications received since 1984 on the Council's web site.

### **Service Standard Three – Register of planning applications**

We will maintain a statutory register of new planning applications (and decisions). This list will be updated as decisions are made by the Council and valid applications have been registered. Details of applications will be made available via the Council's web site and its local offices.

### **Pre-Application Advice**

Discussion of proposals prior to submission helps to speed up the process and produce better quality outcomes. The usefulness of pre-application discussions is endorsed by Government and the Local Government Association in the Planning Users' Concordat. We welcome such discussions; however, we charge a small fee

for the pre-application discussion of non-householder developments<sup>1</sup>. All pre application enquiries relating to works to dwellings (i.e. Householder development) in the Borough are provided free of charge.

Enquiries relating to whether or not planning permission is required for proposed works will need to be made by a formal application for a Certificate of Lawful Use or Development.

#### *The Benefits of Pre-Application Advice*

- It gives you an opportunity to understand how our policies will be applied to your development.
- It can identify at an early stage where there is a need for specialist input, for example for listed buildings, trees, landscape, noise, health, contaminated land or archaeology.
- It will assist you in preparing proposals for formal submission, which, providing you have taken our advice fully into account, will be handled more quickly and the result will be more likely to be positive.
- It may lead to a reduction in time spent by your professional advisors in working up proposals.
- It may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application.

All pre application enquiries will be dealt with following an initial letter or e-mail. Full details of this service are set out on the [web site](#) or are available at any one of our offices.

#### Service Standard Four – Pre-application advice

We will respond to all requests to pre application advice in accordance with the standards set out in our Charging for Pre-Application Advice Guidance Note. Details are also available on the [web site](#) All but those enquiries requiring a meeting will receive a written response within 15 working days.

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<sup>1</sup> Householder developments are defined as those within the curtilage of residential property which require an application for planning permission and are not a change of use. Included in householder developments are extensions, alterations, swimming pools, garages, walls, fences, vehicular accesses and porches. Excluded from householder developments are applications to change the number of dwellings within an existing building.

### *Large and complex proposals*

We are able to provide you with advice and information if you are considering submitting a development proposal. We particularly encourage applicants to seek advice on major or more complicated proposals before submitting an application.

The Council's Planning and Development Unit acknowledges the advantages of providing good quality advice prior to the formal submission of planning applications in order to help speed up the development process, ensure high quality development and avoid unacceptable proposals. Major proposals will need to be discussed at a meeting. For large scale applications this may well include entering into a Planning Performance Agreement. Details of our approach to facilitating these large applications are on our web site.

Full details of the pre application advice service are set out on the [web site](#) or are available at any one of our offices.

#### Service Standard Five – Pre-application advice (Major Applications)

We will arrange for a meeting of relevant specialists to be convened to provide pre-application advice on complex proposals. We will agree a note of such a meeting. Where requested, we will seek to ensure that confidentiality is respected.

### **Submitting an application**

We encourage planning applications to be submitted on line via the [Planning Portal](#) . It is the applicant's responsibility to ensure that their application is submitted correctly but our planning team is always pleased to assist in completing the forms and giving advice. There is a fee payable for most types of application and details of fees will be included with the application pack. Copies of the Scale of Fees and information to help you submit applications is also available at the Civic Centre and on our website ([Application Forms and Guidance](#)) .

To assist with the presentation of applications to members of the Council and the public, plans accompanying applications should ideally be no larger than A3 size although they will still need to be clear. All measurements should be metric. Any applications submitted online should be accompanied by the appropriate drawings. Please could you ensure that drawings are not larger than A3 - unless a larger size is necessary to show the development properly. It would be helpful if large applications or applications containing large supporting documents could also be submitted on CD. Documents should be in pdf. format with a maximum file size of 5Mb.

#### Service Standard Six – Completing and submitting forms

We will provide assistance in completing and submitting a planning application during office hours. This will be provided by the Ashford Borough Council Customer Contact Centre, and the Gateways in Park Mall and Tenterden High Street .

## Dealing with the Application

The application will go through a number of stages before a decision is decided.

### Validation

The Council will be rigorous in assessing application submissions. Applications not submitted on the national planning forms available from the Council or the Planning Portal, with drawings of an inappropriate standard or deficient in the required information specified on the forms and in the guidance notes, will not be registered as valid. Where an application is invalid, the applicant or agent will be advised of the information required to validate the application as soon as possible, normally 3 days following receipt.

#### Service Standard Seven – Validation

When an application is submitted we aim to check it and confirm if it is valid within 3 working days of receipt. If the application is invalid, for lack of information or other reasons, the applicant or agent will be told clearly at that time what they must do.

The applicant or agent will be sent an acknowledgement letter advising them of the Planning Officer dealing with the proposal and giving her/his direct telephone number, the reference number for the application, and a target date for making a decision.

#### Service Standard Eight - Acknowledgement

We aim to acknowledge the receipt of valid planning applications within 3 working days and provide the name and telephone number of the case officer and a target date for decision.

A specific target date will also be given for a decision to be made. This is normally 8 or 13 weeks from the receipt of a valid application. We do our best to ensure that all but the most contentious applications are dealt with in this time frame, and many are dealt with significantly quicker. We will also set out how you can appeal if we do not make a decision by the target date.

#### Service Standard Nine – Dealing with applications

We aim to deal with

- 60% of all major applications within 13 weeks
- 65% of minor applications within 8 weeks, and
- 80% of other applications within 8 weeks.

If you use an architect or agent, our direct contact will be with them and you should make sure that they keep you informed of any discussions they have with us. However, if you are dealing with us direct and you have heard nothing more from us within 6 weeks, you may wish to check the status of your planning application

through our website ([www.ashford.gov.uk](http://www.ashford.gov.uk)) or to contact the case officer by telephone or email.

## Consultation

Letters will be sent to the neighbours of the application site advising them of the proposal. It may be necessary to advertise the application in a local paper or for a site notice to be put up. Local residents will be given 24 days to make their views known. The relevant Town or Parish Council and other statutory bodies (such as Kent Highway Services or the Environment Agency) will be notified. No application will be determined before the period for consultation has expired. Comments received after the period for consultation has closed run the risk of not being considered as the decision may have already been made.

Comments may be made by letter, fax or email or via the link on the [council's web site](#).

All comments received will be displayed on the Internet during the period the application is being considered or an appeal is being heard. Those who do comment are advised therefore not to include their telephone number or a signature on any correspondence but to print their name. If representations are emailed to us they should include a letter as an attachment so that we can ensure that the email address is not published on the Internet.

### Service Standard Ten - Consultation

We will endeavour to notify the occupiers of all properties that abut an application site. We will set out where details of the application may be seen, who to contact to discuss the application and the expiry date for comments.

We will provide assistance to people wishing to comment on a Planning application through the Ashford Borough Council's Customer Contact Centre and the Gateways in Park Mall and Tenterden High Street . Comments may also be submitted through the [web site](#).

We will consider all consultation responses submitted before an application is determined.

Applications will not be determined before the consultation period has expired.

### Service Standard Eleven – Dealing with Representations

We aim to acknowledge receipt of all objections/representations within 3 working days. We will provide a contact name and telephone number and will ensure that each correspondent is notified of the Council's decision.

## Site Visit

A Planning Officer will visit the site and may take photographs, to assist in assessing the proposal. This will usually be carried out within 28 days of the application being registered. Any photographs will only be used for assessing the application and will

not be published. If you are not at home when we call a letter will be left at the application site, if there is a post box, to confirm whether a site visit has been successfully completed and, if not, how to contact the case officer to arrange a further visit. Unfortunately we cannot generally visit sites by appointment but fit visits into our work schedule. It is not always necessary for you to be available for the site visit to take place.

#### Service Standard Twelve – Site Visit

We will visit every site of a planning application to view the proposals. We aim to make the visit within 28 days of the application being registered. We will leave details at the site, where feasible, to confirm whether or not the visit has been carried out successfully.

#### Additional Information requirements

The case officer will identify any additional information requirements as soon as possible. Sometimes these are identified by those commenting on an application and are required to assist their understanding. If the application cannot be determined without the information, we will make a formal request under the planning application regulations. No further action will be taken on the application until the information is submitted. It is in the applicant's interest to provide the information as quickly as possible.

#### Negotiation

Once the site inspection has been made and the period for consultation has expired we will identify whether the application is acceptable/unacceptable as submitted. If minor amendments could be made to overcome deficiencies, suggestions will be made to the applicant/agent indicating ways of amending the scheme to improve it, address the concerns of neighbours, or make it accord with Council policy. If we consider that the application is unacceptable we will let you know before a decision is reached so that you can decide what you want to do.

#### Service Standard Thirteen - Negotiation

We will advise the applicant, where necessary, of any amendments which are considered appropriate. We will also advise the agent or applicant if the application is unacceptable before a final decision is reached.

Consultation on amendments: - If material amendments are made to the application, neighbours will normally be re-notified and given a further 14 days to comment. However, we will still try to issue a decision within 8 or 13 weeks depending on the type of application.

#### Assessment:

The proposal will be assessed against the Development Plan, the Council's planning policies, Government policies, the planning history of the site, comments received from consultees and any other material considerations.

## Making the decision

After consultations are complete, the application will be determined either by the Planning Committee, the Development Control Manager, Strategic Sites and Design Manager or a Senior Planning Officer. To enable the Council to operate efficiently most applications are determined by officers. The detail of which applications are delegated to officers is set out in the [Council's Constitution](#).

Those applications which are not delegated to officers are considered by the Planning Committee. Anybody who has commented on an application will be told of the Committee date in advance. The agenda for each meeting is published 5 working days before the relevant meeting and is available at the Council Offices, the Gateway Centres or on the [Council's web site](#).

### Service Standard Fourteen – Agendas for Planning Committee

We will make the agenda of the Planning Committee meetings available at least 5 working days before the meeting.

This Committee is made up of elected Councillors who will consider the application on behalf of the community. At this meeting members of the public may speak in objection or in support of a planning application, although there are restrictions on who may speak. Information on speaking at the Planning Committee is available from the Council and published on our website.

Occasionally applications are deferred, to enable Councillors to hold a site meeting. The purpose of these meetings is solely for the members of the committee to see the site and to assess the issues on site. It is not a meeting to discuss the proposals and neither the applicant nor representees will be allowed to speak to the members at the meeting.

The progress of applications can be viewed on our [website](#).

A Decision Notice will be issued as soon as possible after a decision on the application has been reached. Normally this will be within 2 working days. This decision will either set out the conditions applied to the planning permission, or the reasons why the planning permission has been refused. Details of the applicant's rights of appeal will be included with the decision notice.

### Service Standard Fifteen – Decision notice

We aim to issue a Decision Notice to the applicant within two working days of the decision being taken.

In very complex developments, there may be a delay for legal agreements. A decision and therefore notification might be some time later but we will let the applicant, agent and other interested parties such as local people know what is going on.

Where a decision has been made to refuse an application, applicants are welcome to speak to the case officer, to discuss whether an alternative scheme might be supported.

If no resolution is possible, the applicant's rights of appeal are set out on the information included with the decision notice.

All those making individual representations and organisers of petitions on the application will be informed of the decision on the application within 5 days of the issue of the decision.

#### Service Standard Sixteen – Decision notice

We aim to inform all those who commented on an application within 5 working days of the Decision Notice being issued.

### Enforcing Planning Law

Planning Enforcement is an important part of the planning process and protecting the environment. It is not always a criminal offence to carry out development without planning permission but it may constitute a contravention of planning laws and the Council has the power to enforce those laws. The Council employs Planning Enforcement Officers to investigate and resolve breaches of planning control.

The Council sees enforcement action as a crucial component of controlling development. All reports of possible breaches of planning control are taken seriously and investigated. The Council has adopted a separate policy in relation to enforcement that may be inspected at Council offices or on our web site. This policy sets standards for the carrying out of the enforcement service.

### Performance

The Council will publish an annual review of its performance on Development Management. This will include the statutory indicators required by government and our monitoring of the standards set out in this charter. Monitoring processes will assess complaints and discuss any relevant issues with the Agents' Forum and any relevant Council focus group.

We are always looking to improve our services and greatly value your comments. If you would like to suggest any improvements which we might make, please let us know at our Customer Contact Centre at the Civic Centre, or write separately to us.

#### Service Standard Seventeen – Performance

We will publish an annual review of our Development Management service.

## Complaints

If you are dissatisfied with our service, please let us know. Your letter or email will be acknowledged and you will be told when you can expect a reply to your complaint, normally within 15 working days. Your complaint will be investigated by the Development Control Manager or Strategic Sites and Design Manager. If you remain dissatisfied with the response you receive you may send your complaint to the Head of Planning and Development, who will investigate further the issues raised and reply to you. If you still remain dissatisfied you may then complain to the Local Government Ombudsman.

### Service Standard Eighteen – Complaints

We will consider complaints very carefully and respond in writing within 15 working days. We will monitor all complaints and suggestions made and use them to review and improve the service we provide.

### Contact us

At the, [Civic Centre](#), Tannery Lane, Ashford TN23 1PL

Telephone: 01233 331 111 Email: [customer.care@ashford.gov.uk](mailto:customer.care@ashford.gov.uk)

At the Ashford Gateway, 14 Park Mall, Ashford, Kent TN24 8RY

Tel: 0845 8 247 247; Fax: 01233 638012; Email [info@ashfordgateway.co.uk](mailto:info@ashfordgateway.co.uk)

At the Tenterden Gateway, 2 Manor Row, Tenterden, Kent TN30 6HP

Tel: 01580 762 558; Fax: 01580 765179; Email [info@ashfordgateway.co.uk](mailto:info@ashfordgateway.co.uk)

Email: General enquiries – [planningenquiries@ashford.gov.uk](mailto:planningenquiries@ashford.gov.uk)

Listed building enquiries [listedbuildings@ashford.gov.uk](mailto:listedbuildings@ashford.gov.uk)

Works to protected trees enquiries – [trees@ashford.gov.uk](mailto:trees@ashford.gov.uk)

Breaches of Planning Control – [enforcement@ashford.gov.uk](mailto:enforcement@ashford.gov.uk)

Comments on applications can be made by letter, email or via the link on the individual application page on our web site