

DEVELOPMENT MANAGEMENT

APPEALS

When things go wrong all is not lost. If your planning application has been refused our expert team can assess the situation, advise and prepare your appeal.

We take your original application, look at what went wrong, and advise on the right course of action. And if we think an appeal would just be throwing good money after bad we will tell you.

Kirkwells planners are experienced in producing documentation, submitting appeals to the Planning Inspectorate, and appearing at Hearings and Inquiries and have an excellent track record in positive decisions

EXPERT HELP

Kirkwells have significant experience in planning applications ranging from:

- full major applications,
- outline applications,
- approval of reserved matters,
- certificates of lawfulness,
- householder applications,
- heritage consents,
- advertisement consents,
- prior notifications,
- removal/variation of conditions,
- approval of details reserved by condition and
- non-material amendments to an existing permission.

Help with Planning's Ups and Downs



Without expert help the planning system can be a roller coaster ride - a frustrating and daunting challenge .

But with our extensive knowledge and experience we can make planning a smooth and stress-free journey.

To take the ups and downs out of your project call:

01282 872570

PROPERTY REVIEW

Do you need to unlock development potential of your land and property to release value ! You have a portfolio of sites and wish to evaluate their development potential ?

Making sure you have your local planners support for this may be crucial

Local Plans, Core Strategies and Development Plan Documents require review by the local authorities on a regular basis and due to recent changes in legislation and planning policy, development potential in sites may be unlocked.

In some cases there may be precedents set by the approval of recent applications in areas that also unlock the development potential of the sites.

Kirkwells have the knowledge and experience to review your portfolio, identify those sites suitable for future development and promote them into the planning system.

DON'T WASTE MONEY GET PRE-APPLICATION ADVICE

Expert help from Day 1 can save you hundreds, or thousands of pounds depending on the size of the project.

Kirkwells pre-application advice service assesses your project, identifies and advises on all the key issues so that you do not end up on a costly and time-wasting loop the loop.

Kirkwells have the experience

to put together the required information on your behalf to enter into discussions in relation to any proposals you may have in mind.

Quite often one small element of a project may be unacceptable to a Local Authority and permission is refused.

Experiences like this can be prevented by engaging with

local authority planners at the concept or initial idea stage and submitting proposals for pre-application advice.

No matter how small or large your idea, we can undertake this on your behalf. Let us help you make your project happen.

GET YOUR APPLICATION RIGHT FIRST TIME.

It is sad but true, but many applications are delayed because the applicant, or their advisor, fails to submit the right information at the right time. Your application may need:

Design and Access Statements

A design and access statement (DAS) is a report accompanying and supporting a planning application.

A DAS should explain the design principles and concepts that have been applied to particular aspects of the proposal - these are the amount, layout, scale, landscaping and appearance of the development. Design and access statements are documents that explain the design thinking behind a planning application. For example, they should show that the person applying for permission (the applicant) has thought carefully about how everyone, including disabled people, older people and very young children, will be able to use the places they want to build.

Demonstrating how the local context has influenced the design is also an important element. This should be discussed in relation to the scheme as a whole. The requirement for the access component of the statement relates only to 'access to the development' and therefore should explain how the design ensures that all users will have equal and convenient access to it.

No matter how large or small your idea Kirkwells have the expertise to prepare your DAS

Heritage Statements

Most development affecting heritage assets needs planning permission or special consent. Since the introduction of the NPPF in March 2012, any application affecting heritage assets needs to include an assessment of the significance of the asset and its setting. This statement should also consider the impact the proposed development may have on the significance of the heritage asset.

A heritage statement is required for all applications affecting listed buildings, unlisted buildings in conservation areas and locally listed buildings, including applications affecting the setting of any of the above.

The scope and complexity of such a statement will vary, depending on the extent of the proposals and the importance of the building. Larger development proposals that include demolition and new build in a conservation area will require a more in-depth approach than, for example, the replacement of a boundary wall or a front door.

For most applications the heritage statement will include the following components:

- A description of the heritage asset and its setting
- An assessment of significance
- An explanation of the design concept for the proposed development.

Planning Statements

To accompany an application a Planning Statement provides supporting information and seeks to illustrate that the development proposals either satisfy national, regional and local planning policies and/or that there are material planning considerations which should be taken into account by the Council in reaching a decision.

The Statement includes the following:-

- Site Description;
- Relevant policy issues from Government guidance;
- Development Plan and Supplementary Planning Guidance or Documents;
- Identified opportunities and constraints;
- An analysis of planning issues;
- Description of development proposals;
- Proposed Planning obligations and/or reference to any suggested or agreed Conditions; and
- Overall conclusions setting out the reasons why planning permission should be granted.

The Statement will form part of the package of forms and other information required to support an application that is undertaken and managed on behalf of our clients.

*“Town
and
country
planning
is the art
of making
things
happen”*

Not sure ? Need Help? Call 01282 872570

IS YOUR PROJECT FEASIBLE?

Development
Management

We all have dreams. But are they practical? Kirkwells can help provide you with the answer. If you are looking to develop your land or property, Kirkwells can answer the big questions: Is this feasible? Is this practical? Our help can take many forms.

In some instances this may be to progress directly towards a planning application in others, where the issues and policies are more complex we can advise on your applications chance of success

We research into existing policies in the development plan

applicable for the proposed development; the status of the local plan; and the scope to change any policies and allocations due to changes and production of future planning documents (i.e. Core Strategies, Site allocations Documents etc.)

Research into the planning history of the site can also influence future decisions together with ascertaining the lawful use of the site and identifying development opportunities available without the need for planning permission.

Additional research may be required into the constraints of the site—Green Belt, Flood Zone, Employment Land etc.

In some instances, work carried out may identify further studies that would be required as part of the submission of a future planning application (for example Transport studies, ecological assessments, flood risk assessments, arboricultural implications assessments etc)

We know this from over 20 years experience in working in and dealing with local authority development control, management services and policy services that doing your homework can either save money wasted on a wild goose chase, or is the solid foundation for success.

PLANNING ENFORCEMENT

Sometimes events happen and your development becomes the subject of enforcement enquiry, or in the worst cases, an enforcement notice.

If you are in breach of planning control, this could lead to a large fine or a criminal conviction

Breaches of planning control take a number of forms including work being carried out without the benefit of planning permission, non-compliance of conditions attached to a permission granted, and unauthorised changes of use.

Kirkwells have substantial knowledge of the planning enforcement system from over 10 years experience of handling enforcement cases and enforcement appeals.

Planning enforcement is not a simple, easily understood process and there are several enforcement options open to Local Council's. The main options are:

- Planning Contravention Notice (PCN)
- Enforcement Notice (EN)
- Stop Notice (SN)
- Breach of Condition Notice (BCN)
- Injunction

Once enforcement reaches this stage the timescale for dealing with the notices is very short, so time is of the essence.

Kirkwells offer help guidance, and experience in submitting enforcement notice appeals to help you through the process.

Non-compliance with an enforcement notice is a criminal offence, so these issues need to be dealt with speedily and correctly.

All enforcement action is subject to immunity periods such that after a period of four years (building work) or ten years (use—except as a dwelling which is four years) the breach may be immune from enforcement action. It should also be noted that some works carried out by householders and business benefit from “permitted development” rights and do not require any formal consent.

If you are investigated by a planning enforcement officer or served with any planning enforcement notice, you should seek advice immediately.

Working for you Kirkwells provide clear, practical non-nonsense town planning advice, support and guidance. Expert help that will give your planning project, whether it be a planning application, planning appeal, local plan, or neighbourhood plan the *best chance of success.*

Kirkwells have experience in submitting enforcement notice appeals and have the knowledge and expertise to help you through the process. Call

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PLANNING OBJECTIONS

When you wish to object to a planning application, the Council can only take into account "material planning considerations" when viewing your comments.

The most common of these are :

- Loss of light or over-shadowing;
- Overlooking/loss of privacy;
- Visual amenity (but not loss of private view);
- Adequacy of parking/loading/turning;
- Traffic generation;
- Noise and disturbance;
- Effect on heritage asset;
- Effect on biodiversity; and
- Planning policies.

Comments that are very often raised but are not normally planning considerations are

- The perceived loss of property value;
- Private disputes between neighbours;
- The loss of a view; and
- Ownerships disputes over rights of way.

If you require any advice in relation to objecting to a planning application, please call.

Kirkwells

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Kirkwells believe town planning is about making things happen. Whether that be redeveloping a difficult brownfield site, or protecting beautiful countryside. We only do well planned, high quality sustainable development. Development that creates great places.



RTPI

mediation of space · making of place

Kirkwells—chartered town planners recognised by the RTPI

Planning can often feel complex and bureaucratic. So we use our knowledge and expertise to take the strain - taking the load off you, making things clearer, and steering your planning proposal through the planning system so you achieve your goal.

If you need help from expert RTPI chartered town planners to make something happen call **01282 872570**.

To help you further our web site provides regular, free, easy to understand updates on all the big issues - just keep an eye on our news, and Kirkwells' comment pages. We provide a free, initial, consultation service - just call **01282 872570**, or simply send your query to

claireparker@kirkwells.co.uk

We are always happy to help and for all our clients provide the benefit of on-going advice and support.

AGRICULTURAL OCCUPANCY CONDITIONS

AGRICULTURAL OCCUPANCY CONDITIONS arise where residential developments are approved as an exception to normal planning policy - normally within open countryside and Green Belt, where new houses are generally restricted.

Where applications for new houses in the countryside are submitted, the developer must provide strong justification that the house is essential to the proper functioning of a farm or rural business.

Rural, countryside and Green Belt designations of land can date back many years and some conditions relate to applications for dwellings constructed in the 1950's or 1960's.

Once the conditions are imposed however, it can be very difficult to justify the removal of them. In most areas, where agricultural occupancy conditions have been imposed, there are dedicated policies setting out the means by which the removal of an occupancy condition can be sought.

More often than not, this puts the onus on the applicant to prove there is no demand for this form of dwelling. This will take the form of a marketing exercise - the property should be marketed at a value reflecting the condition for a specified period in a specific way. If no offers are received, the council may agree to an application for the removal of the condition.

Where marketing is not an option, there are other alternatives.

In some instances, through no fault of the occupiers, the property has been occupied in breach of the condition for a number of years. If this exceeds 10 years an application for a Certificate of Lawfulness can be submitted to the local planning authority to claim immunity from enforcement action.

Another example would include discrepancies between the original plans for the dwelling, and the construction of the dwelling itself.

All examples involve complicated assessments and application of the law surrounding planning and its enforcement, so owners should be fully aware of all the issues and of all of their options before making an application for the removal of the condition.

Kirkwells have extensive experience of agricultural occupancy conditions.

Please call

01282 872570