

Kirklees - The Place to Grow

A great place to live, work and invest

**Our Development Management
Charter**

Open and Friendly Planning

We know that our businesses want to grow and we understand that the district needs new homes to meet future demand.

Homes, jobs, infrastructure and community facilities are all important factors in delivering sustainable growth for the area.

The Development Management service here in Kirklees is key to making sure that this happens in a planned and effective way. We welcome open dialogue with developers to bring about swift and effective decisions on planning applications. Once a planning application is submitted our aim is to make a decision as quickly as practical. The decision can either be to grant planning permission (with conditions) or in some instance to refuse planning permission. Applicants should build in plenty of time to allow for the planning stages of their development process as delays to decision making can occur due to requests for further information or changes to the original plans being required.

We also recognise the potential impact on communities and their need to be engaged and we will publicise planning applications in accordance with the statutory requirements for each type of application.

Within the resources available the Planning Service will offer clear guidance on its views of planning proposals. If proposals are unacceptable in principle or planning applications require significant amendments this will be stated clearly to applicants (or your agent if one is named on your application form) and a decision issued. The Planning Service will not seek significant amendments to planning applications once they are validated, only minor changes will normally be accepted to planning applications at the request of Officers which would not warrant further public consultation. This is to speed up the planning process and make decisions in accordance with Government targets or agreed extensions of time.

Communication during the application process

If you are the applicant and you have an agent named on your application form, in the interests of clarity and to reduce miscommunication, we will only engage with your agent on the planning application.

Requests for updates on planning applications will be provided by the case officer in relation to factual matters, such as:

- Whether the case officer has undertaken their site visit
- If all consultee responses have been received and publicity has expired
- If publicity has ended
- When a decision is expected to be made.

The case officer will aim to respond to update requests on 'live' planning applications as soon as possible. This will be within 5 working days in response to phone calls and 10 working days in response to emails. If phoning, please leave a voice message as our officers do undertake regular site visits and are not always available when you call and cannot reply to unknown telephone numbers.

Positive about Development

This charter is our specific commitment to consult and engage on applications submitted to the local planning authority.

We will make sure the engagement is effective and meets legal requirements.

This charter sits alongside the Statement of Community Involvement (March 2024). Which can be found at:

<https://www.kirklees.gov.uk/beta/planning-policy/pdf/statement-of-community-involvement.pdf>

We will update the charter from time to time to reflect best practice and legal requirements.

Pre-Application Discussions

Most planning applications benefit from specialist advice before they are submitted. By talking to us sooner in the process these pre-application discussions provide greater certainty and clarity to an applicant by identifying planning issues and requirements at an early stage.

Pre-application engagement is an important part of the Planning process and applicants should carefully consider using the Pre-application processes and provide meaningful information to help inform a balanced and rounded advice response from the Planning Service.

In Kirklees we offer advice at two levels.

These are:

On our Website: Our website can be accessed here [Planning and development | Kirklees Council](#). This is the best and quickest way for customers to find the answers to their questions. This is where you will find a suite of general advice notes, information and guidance such as Supplementary Planning Documents (SPDs) and Technical Advice Notes Our validation checklist, which can be accessed [here Validation Requirements for the Submission of Planning Applications \(kirklees.gov.uk\)](#), is an important guide to applicants on the type of information that is required when submitting an application.

Formal pre-application advice service: This is ideal for most planning proposals from house extensions through to larger Major developments – [Get pre-application planning advice | Kirklees Council](#). For a fee you can access advice from planning officers and technical consultees on your proposal. This is an excellent way of getting more in depth advice on your application before you submit a formal application.

Please build in plenty of time to your planning process to allow for meaningful advice to be given. Providing a good level of information in your pre-application enquiry, for example

including a topographical survey, identification of key features on and adjoining the site will all help us assess your proposal. A proposed site plan, with proposed levels information is also very helpful to ensure we can assess the design of any scheme. Providing clear information about what planning matters you want advice on will also help you achieve a better outcome with your enquiry.

The Planning Service will not accept requests for advice on planning proposals outside of the formal preapplication service. If you need advice that you cannot find on our website and do not wish to use the formal preapplication service you are advised to seek independent advice through a specialist planning advisor. The Royal Town Planning Institute (RTPI) is a good place to look for suitable advisors.

Our Approach to Planning Obligations and Conditions

The 'planning obligation' is often a key part of determining a planning application (also known as a section 106 agreement).

This is a legal agreement between the owners/developers of the application site and the Council. It usually deals with the provision of new or improved infrastructure or facilities in the local area. Conditions normally deal with how a development will be carried out. We will work with applicants to make sure the terms of an obligation are agreed at an early stage. Pre-application consultation will help this process.

It is important to the local community that these obligations are delivered. Our major sites monitoring programme will make sure key sites are closely monitored for timely delivery on any contributions or obligations.

Planning Performance Agreements (PPA)

We aim for a collaborative approach to achieving development. To do this, we promote the use of Planning Performance Agreements (PPA) for major site developments to secure this. These

agreements can be entered into prior to the submission of a planning application or at the start of the pre-application process.

The Planning Application Process **Who makes decisions on planning applications?**

The Council has to make decisions on applications. Each year, on average¹ we consider over **3600** applications. These include applications for development and changes of use as well as listed building applications, prior approvals, certificates of lawfulness, works to Trees and advertisement consents.

When making a decision we must determine planning applications in accordance with the Development Plan (Local Plan 2019) unless material considerations indicate otherwise. The professional advice of planning officers sets out the planning issues to be assessed in the decision. We make a decision in one of two ways; either through our delegated powers or at one of our planning committees. The vast majority of decisions will be at officer delegated level with our committees dealing with the most controversial applications.

How do you find out about planning applications?

We are required to publicise most planning applications. This gives people an opportunity to express their views on proposals. For most planning applications, the Planning Service will **either** send a letter to affected residents or place Site Notices near to the application site. The Planning Service will decide which method is most appropriate for each planning applications' publicity.

We will use the methods set out in **Table 1** to notify the community about planning applications.

How do we notify the community on planning applications?

Local planning authorities are required to undertake a formal period of public consultation, prior to deciding a planning application and we will do this in accordance with the statutory requirements for each type of application. See example in **Table 2** below.

We will not notify on the following types of applications for which there is no statutory requirement to do so, these include:

- certificates of lawfulness of proposed/existing use or development;
- internal alterations only to a Grade II listed building;
- advertisements;
- approval of details reserved by conditions (except external works to any listed building)
- Non-material revisions to planning applications once valid; and
- 'non-material' amendments, post permission

We encourage the use of the search facility on our website and to sign up to our email alert facility for notifications of planning applications submitted in your area.

How we will use comments and give feedback

All comments and feedback (representations) received on all applications are summarised in the officer report on the application and are considered before a decision is made. The Planning Service will not respond to authors of individual representations received but will ensure that any planning matters raised are assessed and considered prior to determining any planning application. It is important any representations are based on planning matters related to the application, we will not, for instance, consider representations that are rude or offensive (or perceived as such) and those will be returned to the author.

¹ From the 1st April 2023 – 31st March 2024

We have to wait 21 days from the consultation start date for responses to be received before we can make a decision on most planning applications. There is no statutory requirement to accept representations made after 21 days, however Development Management service may, at its discretion, take into account representations made after 21 days until the day prior to the decision of the application being made.

Representations always need to be made in writing, whether via the online comments on our website or via email or letter. It is strongly encouraged to use the online comments form where possible. It is possible to choose whether to have your comments made

publicly available for individuals to read online or not. If you do consent to comments being made public in accordance with GDPR requirements redaction processes will take place prior to comments going “live” on our website for public viewing.

If you comment on an application(s), we will not notify you of the outcome of application(s) or in the event that an application is to be considered at our Planning Committee we will not notify you of the date of the meeting or the decision made. But you can track progress of the application(s) on the Council’s website and watch Planning Committee meeting live.

TABLE 1 - METHODS OF NOTIFICATION

Notification Method	Statutory Requirement?	Comment
Site Notice	Yes	These are displayed in a public place at or near the application site. They contain details of the proposal, where plans can be viewed and a QR code is provided for a link to the application on our website. One or more notices may be displayed depending on the size and location of the proposed development.
Letters	Yes	Letters are sent to owners/occupiers of adjoining neighbouring properties which are touching a boundary to the application site.
Website	Yes	Kirklees’ website contains details of all applications including copies of all associated documents and drawings. You can search by number of criteria, track the progress of applications and submit comments online.
Weekly List of Applications	No	A copy of the list of applications we have received in a particular week is published on the website.

Press Notice	Yes	<p>A notice is placed every week in a local newspaper for the following types of application and development:</p> <ul style="list-style-type: none"> • Major applications • Listed building consent • Affecting a Conservation Area • Affecting a setting of a listed building • Where an Environment Statement is submitted • Departures from a development plan • Affecting a Public Right of way
--------------	-----	--

TABLE 2 - NOTIFICATION STANDARDS FOR PLANNING APPLICATIONS

Development Type	Site Notice	Letters*	Advert	Website
Subject to Environment Statement	Yes	No	Yes	Yes
Departure from Development Plan	Yes	No	Yes	Yes
Affecting Public Right of Way	Yes	No	Yes	Yes
Major Development **	Yes	No	Yes	Yes
Minor Development	Yes	No	No	Yes

Householder Application	Yes	No	No	Yes
Affecting the Setting of a Listed Building	Yes	No	Yes	Yes
Affecting the character or appearance of a conservation area	Yes	No	Yes	Yes
Listed Building Consent ***	Yes	No	Yes	Yes
Variation or removal of conditions attached to a previous approval	Notify in the same way to the original application			
Telecommunications prior approval	Yes	No	Yes****	Yes
Neighbour Consultation scheme for larger rear extensions	No	Yes	No	Yes
Development requiring 'prior approval' not in any of the categories above	Yes	No	No	Yes
Reserved matters submissions	Same as Outline			
Applications for Certificates of lawfulness for existing or proposed use/development	No	No	No	Yes

NOTES

* - Where statutory requirements require either a site notice or letter, preference will be a site notice but the Planning Service will decide what method is the most appropriate in each relevant application.

** - Major development is defined as any one or more of the following:

- a) the winning and working of minerals or the use of land for the mineral working deposits;
- b) waste development;
- c) the number of dwelling-houses where –
 - i. the number of dwelling-houses to be provided is 10 or more; or
 - ii. the development is to be carried out on a site having an area of 0.5 hectares or more and it is not known whether the development falls within paragraph (c)(i);

- d) the provision of a building or buildings where the floor space to be created by the development is 1000m² or more;
- e) development carried out on a site having an area of 1 hectare or more.

***This includes approval of details and variation of conditions involving extensions or alterations to the external appearance of a listed building and internal alterations only to Grade 1 and 2* buildings

****A press advert will be published in the following circumstances:

- Departures
- Affecting a PROW
- Site area of more than 1 hectare