

DEVELOPMENT MANAGEMENT ADVICE NOTE 6

My application was approved – what should I do next?

This is one of a series of advice notes to help our customers use the Development Management Service in Croydon. The service is responsible for the determination of planning applications and the enforcement of the planning regulations.

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INTRODUCTION

This advice note will be of use once you have had your planning application approved. It explains what you need to do about conditions and the scope to amend your proposals. Whilst the note refers mainly to applications for planning permission, the procedures generally apply to all types of planning application.

DEALING WITH CONDITIONS

If you are granted planning permission, it will normally be subject to conditions and it is important that you do not ignore them. Advice on how to deal with conditions is given below. When you have to make an application under a condition it is made on an application form that is available to complete on-line through www.planningportal.co.uk. Applications will also need to be accompanied by the appropriate planning fee, and other supporting documentation. For more information see our advice note “How do I submit my planning application?”. In certain situations, especially involving complex development, we encourage developers to discuss planning conditions discharge prior to submission through engaging in a pre application process with the associated fees being paid.

Removing or changing conditions

If you do not like the conditions on your planning permission, you can either appeal the whole decision or make an application to have one or more of the conditions removed or changed. You may also want to amend the scheme previously granted planning permission (to a minor – material extent) which would involve a variation of the planning condition which specified the approved drawings. The application will be for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted. We will consider only the question of the conditions subject to which planning permission has been granted;. You can make a similar application where a development with planning permission has already been carried out, but without complying with one or more conditions on the permission.

Again applications should be made through the planning portal completing the appropriate application form, attaching the relevant planning fee and need to be accompanied by the relevant owner's certificate. Further advice accompanies the form.

Reserved Matters conditions

If you have received an outline planning permission, which is still valid (that is not more than three years old), you will need to submit an application for the approval of the reserved matters. You can submit all the reserved matters in one application, submit them in a piecemeal fashion or submit details of the same matter(s) more than once.

These applications must all be made within the specified period (usually three years) of the date of the planning permission. They are made through the planning portal, on the appropriate application form, are subject to a planning fee and need to be accompanied by relevant plans and drawings as are necessary to deal with the matter(s) reserved in the outline permission. Further advice accompanies the form.

Other conditions

The conditions that appear on either a full or outline planning permission may require the submission of matters (other than the reserved matters on an outline permission) to us for our approval. These applications to discharge any condition(s) are made through the planning portal, on the appropriate application form, are subject to a planning fee and need to be accompanied by plans and drawings as are necessary to describe the matters required by the condition(s). You must clearly state the reference number of the planning permission and the number of any condition(s) in question. Further advice accompanies the form.

LIMITED PERIOD PLANNING PERMISSIONS

Occasionally planning permission is granted for a limited period. This is where a condition requires that the use can only take place or the building remain on the site for a certain period of time. If you seek to extend this period before it expires, the application is effectively one to remove or change that condition. Such applications are made through the planning portal, on the appropriate application form. They are subject to a planning fee and need to be accompanied by the relevant owner's certificate. If you apply after the period has expired the development would have become unlawful and you will have to make a retrospective application for planning permission to continue the use or retain the building.

PERSONAL PLANNING PERMISSIONS

Planning permission normally goes with the land. That means that future owners or occupiers of the site also get the benefit of any planning permission on the site. Occasionally a planning permission may be granted which is subject to a condition that it shall only be for the benefit of a named person - usually the applicant. This is only likely to occur where there are exceptional circumstances, such as strong compassionate or other personal grounds for granting permission, where normally it would not be granted.

The procedures for dealing with changes to such a condition are broadly the same as limited period conditions. If you wish to remove or change the condition then, if you are still in compliance with the condition, you make an application through the planning portal on the appropriate application form to remove or change it (see "Removing or changing conditions" above). If you are already in breach, then the development would have become unlawful and

you would have to make a retrospective application for planning permission to continue the use or other development of the land.

AMENDED PLANS PROCEDURE

Once a decision on an application has been made, the applicant may wish to amend the proposal for example, to reduce the cost of the development or to follow a preference for a different design.

You can apply for the approval of non-material amendments to a planning permission. Such applications are made through the planning portal on the appropriate form. Plans showing the approved scheme and the revised scheme should be submitted, clearly showing what the changes are and a fee is applicable. A judgement then needs to be made by us as to whether the changes can be dealt with as a minor amendment to the original plans, or whether a new planning application should be submitted. If the change is considered to be a minor material the amendment can be considered through variation of the relevant planning condition as outlined above

If the changes are of a minor nature, such that the scheme is not materially different and it will not have a different impact on neighbours or the area generally, then they can be accepted as an alternative to the formally approved plans. This means the procedure can only be used where the revision is genuinely minor and any interested party, such as a neighbour, could not perceive it to make the situation worse for them. For example, if the number of windows is reduced in a domestic extension, this cannot have a greater impact on neighbours. However, if the extension is moved or enlarged towards a boundary of the site, it could be perceived to have a greater impact on adjoining residents who may wish to object to the change. Where changes are not minor a new application will be requested so that the changes can be properly publicised and representations on the changes can be properly considered.

If your amendments are accepted as a minor amendment, the procedure does not involve giving any publicity to the revised plans. This is because of the judgement that they do not have a materially different impact to the formally approved plans.

THE NEED FOR OTHER CONSENTS

Under the Town and Country Planning Act, and other pieces of planning legislation, there are a number of activities that require approval from the development management service. These include:

- Planning permission for carrying out development
- Listed building consent for carrying out works to a listed building
- Conservation area consent to demolish certain buildings in conservation areas
- Advertisement consent to display certain advertisements
- Consent to carry out works to a protected tree

You may also need approval under the building regulations from us. There are other consents that you may need from other parts of the council and other organisations. These are explained in our advice note "What consents do I need for my development". Please make sure that you have all the consents that you need.