

## Commenting on Applications for Planning Permission

When an application for planning permission is received, details of the application will be publicised. This is so that residents living near the site of any proposed development are made aware of the proposals, and are given the opportunity to comment on how they think the proposed development might affect the general amenity and character of the area.

### How will an application be publicised?

Publicity for a proposed development will take the form of one, or a combination of, the following methods:

- For sites where small-scale developments are proposed, such as house extensions or small numbers of new houses, letters may be sent to the immediate neighbours.
- For more isolated locations where there are no immediate neighbours, but where people generally passing the site may have an interest, notices will normally be placed on-site.
- For larger scale developments, developments likely to affect the character of Conservation Areas and those that go against the policies of the Development Plan, notices will also be placed in local papers. The Development Plan currently consists of the Joint Unitary Development Plan. A copy of this document can be seen on the Planning section of the Council's website, [www.pembrokeshire.gov.uk](http://www.pembrokeshire.gov.uk).

### How can I find out more information about an application?

You can view all current application forms, plans and other supporting information by the following methods:-

- a) On Line at [www.pembrokeshire.gov.uk](http://www.pembrokeshire.gov.uk) > planning > planning Applications > search for a planning application and entering the planning reference number or address.
- b) By visiting County Hall, Haverfordwest, Monday to Friday, 9am-5pm. No appointment is necessary to view a public inspection file. To view a current working file telephone in advance on 01437 775361.

We can provide a photocopying service if you wish to take any information away to study further. There is a reasonable charge for this service.

## Who can comment on an application?

We welcome any comments whether in support of, or objecting to, an application, providing the comments relate to relevant planning matters.

## What type of comments can I make?

We are required to base our decisions on relevant land use planning matters such as:

- The design of any building and how it relates to neighbouring properties.
- Access arrangements and the implications for traffic and parking.
- Amenity issues, such as noise or other intrusive activity and loss of privacy.

If you wish to make comments, they must be relevant to the issues above.

The following issues are not relevant and we will not be able to take them into account when reaching a decision.

- Precedent
- The loss of view from one private property over land in private ownership
- Private rights, such as a private right of access contained in the deeds of a property and restrictive covenants
- A private dispute as to land ownership
- Issues covered by other legislation e.g. Building Regulations and Highways Act
- The possible effect on the value of your own property
- The impact of construction work
- Commercial competition
- That a planning application has been submitted retrospectively.

If you are unsure whether your comments are relevant, please contact us for advice.

*Please note:*

We are interested in the substance of what you say, rather than the volume of letters we receive. Several letters on the same subject will not have a greater influence on our decision, so if you are able to submit a joint letter on behalf of a number of people with the same views, this will have more value.

Also, we receive a very large volume of letters commenting on planning applications. Unfortunately we are not generally able to enter into an exchange of letters with objectors, so please phrase your letters as comments rather than questions.

### How do I submit my comments?

All comments made on an application must be in writing. This can take the form of a letter, fax or electronically (see 'How to Contact us').

Please quote the application reference number as stated in the publicity for the application.

You must make your comments within the time period set out in the publicity. Any comments received after the specified date may not be taken into account, although we will endeavour to consider them up to the date the officer produces his recommendation on whether development should be allowed.

### Once I have made my comments, what will happen to my letter?

Your letter will be passed to the case officer who is assessing the application. Your comments will be considered when reaching a recommendation on whether the development should be allowed.

**Once your comments have been submitted, you should bear in mind that the Local Government Act allows for any comments to be made available to any member of the public.**

Any personal information received by the Development Management Section will be processed in accordance with our Fair Processing Notice. A copy of this notice is available to view on the Council's website ([www.pembrokeshire.gov.uk/information-governance](http://www.pembrokeshire.gov.uk/information-governance)) or is available in hard copy by request.

### If I have made an objection to an application, will it be refused?

We have to weigh up many issues before making a decision on an application. It is not certain that your comments and objections will sway the decision in the way that you would like them to, but all comments and objections will be considered carefully.

### Will I be notified of the decision on the application?

Under The Town and Country Planning (General Development Procedure) Order 1995 the authority has a statutory requirement to inform an owner of the land or a tenant of an agricultural holding under article 6 about the decision on the application. Third parties are able to view the decision notice on line at [www.pembrokeshire.gov.uk](http://www.pembrokeshire.gov.uk) and using the 'search for a planning application' facility. The decision will be available in the 'view documents folder'. Alternatively you may view a copy of the decision at County Hall, Haverfordwest during 9am to 5pm Monday to Friday.

## What happens if I disagree with the decision?

Once a decision has been taken, only the person who made the application has the right to appeal against it. Objectors cannot appeal against the decision.

Objectors are referred to as 'third parties' and the only course open for further action is Judicial Review.

## What is Judicial Review?

Judicial review provides the only opportunity for further action once a decision to approve development has been made since there is no right of appeal for third parties on planning decisions in the UK.

A Judicial Review is a legal review of a planning authority's decision to grant planning permission. The review happens in the High Court. The review process looks at the way that the decision was made – it does not consider the conclusion that was reached by the planning authority.

In the judicial review proceedings the court will intervene as a matter of discretion. In most planning cases there are generally only two parties involved; the developer making the application and the local authority deciding whether or not to grant planning permission. Most communities and individuals that live close to the proposed development are regarded as third parties and do not usually have a direct influence on the decision whether to grant permission.

The best outcome for the complainant is that a bad decision will be quashed and returned to the relevant authority who is open to make a fresh decision. The same decision may be made by the Local Planning Authority again as long as it is then made lawfully. This is also true where the challenge is to a decision made by an Inspector or Welsh Minister as an appeal or following a call-in.

Judicial review is not an easy option. It usually requires expert knowledge of the law and can incur considerable costs. If you are thinking of using judicial review to challenge a decision you should make yourself fully aware of the risks and uncertainties and establish whether:-

- You have adequate cause;
- You have a provable case; and
- You are willing to take on the risks involved, including the possibility of substantial financial costs.

If you are considering going down the route of judicial review, click here [www.hmcourts-service.gov.uk/cms/1220.htm#one](http://www.hmcourts-service.gov.uk/cms/1220.htm#one)) for more detailed guidance. Do seek legal advice before starting the judicial review process as you may have to pay costs if the review decision fails.

### **What happens if I have concerns over the processing by which a decision was made?**

The complainant should contact the Planning Division of the Local Planning Authority. The Local Planning Authority would consider the complaint and if not satisfied with the outcome the complainant can contact the Public Services Ombudsman.

How to contact us:

Please address your comments to:

**Development Management Section  
Planning Division  
Pembrokeshire County Council  
County Hall  
Haverfordwest  
Pembrokeshire  
SA61 1TP  
Tel: 01437 764551  
Fax: 01437 776496**

NB – these notes are intended as a guide only. If you are unsure about any of the points raised above then please contact us.