

Introduction

Welcome to Tendring District Council's Development Management and Planning Enforcement Service.

We are committed to providing a transparent, timely and efficient processes that fosters open communication and collaboration and this document outlines the procedures, expectations and requirements in place to deliver that commitment.

We acknowledge that individual circumstances may require flexibility and that we may need to adapt our approach to address specific challenges, but we look forward to serving you with professionalism, dedication, and with a commitment to delivering a first-class service.

Development Management

We are committed to ensuring a fair assessment of all applications however providing frequent updates or predicting outcomes may not always be feasible.

We strive to offer guidance in good faith with the intention of seeking collaborative solutions. However, it is crucial to understand that circumstances may necessitate the withdrawal of such guidance.

It's important to note that the final decision will be reached through review, and consideration, as information and advice becomes available throughout the process and does not rely on a single officer at any point. This process is designed to promote consistency and open decision-making, which may influence the ultimate outcome.

Your understanding of this dynamic approach is appreciated as we work together to navigate the complexities of each case.

Engagement with Applicants, Developers, and Agents

Applications are typically evaluated based on their adherence to Local Plan policies, national guidelines, and other pertinent planning considerations.

We strongly encourage seeking pre-application advice to address potential issues and allow engagement and discussion to take place with applicants or agents before formal application submission.

- To ensure timely determination of the proposals put forward, the applicant or agent is responsible to ensure the application is in compliance with all policy requirements, supporting documents and timely information needed for legal agreement is submitted promptly.
- Regulation 9A of the Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) (England) Regulations 2012 – *The Planning Guarantee*. We fully support the provisions of regulation 9A regarding fees and refunds that may apply to planning permissions and reserved matters.
- In cases where pre-application advice has not been sought, or the submitted application does not align with the advice provided, the application will be evaluated as submitted unless compelling reasons warrant consideration of an amended plan/details.
- If pre-application advice is sought and unforeseen issues necessitate adjustments during the application, minor changes may be considered and are more likely to be accepted.
- Where amendments to the submitted application are accepted, an extension of time agreement for a minimum 4-week period will be required to allow for further consultation and review. In cases of multiple amendments, the case officer will seek further advice from their line manager before any changes are accepted or an extension of time granted. Written confirmation (via email or letter) from the Local Planning Authority (LPA) is essential for the acceptance of any amendments or extensions of time. Without such confirmation, the amendments and extensions of time will not be considered as accepted or part of the application.
- It should be noted that all application-altering amendments will normally involve consultation with the Parish Council as a minimum. However, in cases where through negotiation, amendments improve circumstances for neighbours, re-consultation may not be necessary.

Consultation will take place for significant changes that neighbours might reasonably expect to be notified of, or if the impact on a neighbour has worsened. In both circumstances this judgement rests with the LPA.

- Notwithstanding the requirements listed above, in the case of major applications, applicants or agents may be offered the option to withdraw the application if it is likely to be refused.
- Given the availability of the pre-application service, and in the interests of an efficient and timely process, we reserve the right to refuse an application without discussion or negotiation.
- Some applications may require a legal obligation to be secured. If an application is to be refused on principle or for reasons other than those addressed by the legal

obligation, to avoid delay it will be refused as legal agreements can be addressed during the Appeal process. This is considered a reasonable as it promotes an effective planning process as well as fair and consistent approach for all parties with interests in the planning application.

- The scale and nature of an application will determine the level of obligations contained within the associated legal agreement. Obligations will be required to be in accordance with adopted national or local policy and to mitigate the impact of the development. It is advisable to check the type of obligations that may affect the proposal prior to submission of a formal application. This may include the need for a legal obligation to be secured prior to the submission of details to satisfy the Biodiversity Net Gain planning condition.

Third Party Engagement

- All representations are material to the application's consideration. We will aim to publish public comments and consultation responses however this may not always be possible and is not a legal requirement.

Representations may include photos and illustrations, but these will not typically be published online. Reproduced plans should consider copyright, and submitted photos should respect the privacy rights of individual. Video recordings, and representations produced using Artificial Intelligence (AI) will not be accepted.

The council reserves the right to withhold online publication of representations while retaining their status as material considerations.

Once a representation is received, it becomes a part of the application's consideration and can only be withdrawn in exceptional circumstances and only if before a decision is made. In such rare occasions, there needs to be a written request from the author (all of them if more than one) and it must be confirmed in writing by the LPA that the withdrawal request has been granted.

- Site visits by planning officers are usual practice, although not a legal requirement and the Council reserves the right not to visit a site nor provide a reason for this decision should that be the case. However, in all cases the officers shall ensure that they have sufficient information to determine the application. Site visits to neighbouring land or property are not generally conducted.

Self Service

Online tracking of a live case is available via the following link to [Public Access](#) which includes the options to receive notifications.

Our weekly lists of applications received, determined are published on our website but if you would like to be added to the distribution list, please contact a member of the Planning Business team planningbusiness@tendringdc.gov.uk

To access the Planning T-map, and to link to other Planning information and document, please follow the following link. <https://www.tendringdc.gov.uk/services/planning>

Proactive Planning

The Town and Country Planning (Development Management Procedure) (England) Order 2015 (As Amended) provides that when an authority approves or refuses a development the decision must also include “a statement explaining whether, and if so how, in dealing with the application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application.”

Tendring Planning Authority is committed to providing a proactive and timely service, leveraging pre-application advice and duty planner services to facilitate a smooth development management process.

Our Officers will also engage with applicants, agents and other parties to enable them to work proactively to seek solutions as set out in the Order and as described in this document.

This engagement does not allow the Officer to ignore or set aside anyone’s viewpoints of the proposed development or planning matters, nor should it be taken as an indication of their likely recommendation. An Officer may indicate a direction of travel during the application process, or enquiry discussion, but in all cases shall reserve the right to change this opinion as their understanding of the proposal evolves.

Planning Enforcement

Investigations are managed in accordance with the guidelines outlined in the Local Enforcement Policy Plan and we committed to upholding planning regulations and ensuring a fair and thorough enforcement procedure across the Tendring District.

Some cases may require a considerable amount of time to reach a resolution and we appreciate your patience and understanding throughout the investigative process.

We are committed to conducting an initial site inspection within the specified target deadlines outlined in the Local Enforcement Policy, however the site inspection is just one part of the comprehensive investigative process, and we may not be able to provide immediate details or findings shortly after the initial visit.

Engagement

Although our Enforcement Officers are unable to offer a continuous update on the investigation's progress, complainants or other interested parties will be advised on the matters such as the closure of a case or when enforcement action has been initiated.

The assigned case officer may also contact interested parties or complainants to request additional information during the investigation.

If you have not received any communication from the case officer within 21 days after receiving your acknowledgment letter, you are welcome to directly contact the case officer for a status update.

An online search for some enforcement matters is available, but we reserve the right to withdraw that information without notice. Enforcement matters can be a matter of great sensitivity and, at times, a matter of safety concern.

As we collectively strive for a transparent, efficient and collaborative Development Management and Planning Enforcement Service, your understanding and cooperation will be invaluable to the success of the work undertaken.

If you have any enquiries regarding the information in this document, or require assistance in Planning or Enforcement matter, our dedicated teams are here to help.

On behalf of the entire Planning team, we extend our thanks for your commitment to working with us to enhance our community.

John Pateman-Gee
Head of Planning and Building Control
Tendring District Council