

# **CODE OF PRACTICE FOR NEIGHBOUR NOTIFICATION FOR PLANNING APPLICATIONS**

**REVIEW OF PROCEDURE - Original March 2006, Updated June 2012, updated May 2015**

## **Minimum Legal Requirements**

Article 15 of the Town & Country Planning (Development Management Procedure) (England) Order 2015 sets out the statutory framework for publicity for applications for planning permission.

Art 15 requires certain specific types of application to be publicised by way of a site notice and newspaper advertisement and in some cases also by way of notification to adjoining owners or occupiers. This is addition to a general requirement for information relating to all applications to be available on the Council's website.

In all other cases the Council has the option of either displaying site notices or serving notice on adjoining owners and occupiers.

## **Ealing's Procedure**

In addition to advertising specific applications in a local newspaper when required under Article 15, the Council will also advertise applications that the Council considers to be of 'wider interest' by this means.

Where the Council has the option of either displaying site notices or serving notice on adjoining owners and occupiers to meet the requirements of Article 15 the Council will, with effect from the 8<sup>th</sup> June 2015 display site notices close to the application site rather than by individual notification to adjoining residents by letter. In addition, where the Council considers it to be appropriate because of the wider interest of the application the Council may also notify local groups and amenity societies and specialist organisations.

The timeframe for response is generally 21 days unless the notice specifies otherwise.

However you got to hear about a proposal, anyone can submit comments to us. Comments are placed on the files and are "public documents".

## Code of Practice

The following table sets out the minimum notification appropriate for categories of development proposals. Where the likely impact of a proposal may be wider use the criteria for selection above and extend the notification.

TYPE OF DEVELOPMENT	NOTIFICATION
<b>1. HOUSEHOLDER DEVELOPMENTS</b>	
<b>Developments to:</b> <ul style="list-style-type: none"> <li>• side of property, including roof alterations</li> <li>• to rear of property, including roof alterations</li> <li>• to front of property, including roof alterations</li> <li>• Boundary fencing</li> <li>• Vehicular access</li> </ul>	<b>Normal procedure will be to display one site notice at the front of the property</b>
<b>2. RESIDENTIAL DEVELOPMENT</b>	
<b>Conversions of houses into two or more units and conversions with extensions</b>	<b>Normal procedure will be to display a site notice at the front of the property</b>
<b>New residential development: Minor application i.e. up to, but not including, 10 units</b>	<b>Normal procedure will be to display one site notice at the front of the property</b>  <b>Additional site notice(s) may be displayed dependent on the site characteristics</b>
<b>New residential development: Major application i.e. 10 units and more</b>	<b>Normal procedure will be to display one site notice at the front of the property</b>  <b>Additional site notice(s) may be displayed dependent on the site characteristics</b>
<b>3. NON – RESIDENTIAL DEVELOPMENT</b>	
<b>Redevelopments, Structures and Physical Development on, over or under land:</b>	<b>Normal procedure will be to display one site notice at the front of the property</b>

<b>TYPE OF DEVELOPMENT</b>	<b>NOTIFICATION</b>
<b>Minor development i.e. less than 1000 sq. m. floorspace</b>	<b>Additional site notice(s) may be displayed dependent on the site characteristics</b>
<b>4. CHANGES OF USE</b>	
<b>Minor development i.e. site area less than 0.5 hectares or floorspace less than 1000 sq. m.</b>	<b>Normal procedure will be to display one site notice at the front of the property</b>  <b>Additional site notice(s) may be displayed dependent on the site characteristics</b>
<b>Major development i.e. site area more than 0.5 hectares or floorspace 1000 sq. m. or more</b>	<b>Normal procedure will be to display one site notice at the front of the property</b>  <b>Additional site notice(s) may be displayed dependent on the site characteristics</b>
<b>5. ALL OTHER EXTENSIONS/ALTERATIONS</b>	<b>Normal procedure will be to display one site notice at the front of the property</b>  <b>Additional site notice/s may be appropriate if a proposal is very prominent.</b>

### **Procedure Notes on Neighbouring Notification**

- a) This Code of Practice defines our notification protocol. Wider consultation may be appropriate after reviewing the Criteria for Selection.

### **Notification on Revised Applications**

There is no statutory requirement to publicise or re-consult on amended applications, but Government advice in circular 15/92 is that in deciding whether further publicity/consultation is desirable, local planning authorities should take into account the following considerations:

- (a) Were objections or reservations raised at an earlier stage substantial and, in view of the local authority enough to justify further publicity?
- (b) are the proposed changes significant?
- (c) did earlier views cover the matters now under consideration?

(d) are the matters now under consideration likely to be of concern to parties not previously notified?

In Ealing, if an application is amended and officers consider that the amendments raise new issues, then a further notification may be carried out by a new site notice/s being displayed (14 days)

## APPENDIX 1

### STATUTORY MINIMUM REQUIREMENTS

The Town & Country Planning (Development Management Procedure) Order 2015 Article 15 applies –**15 - Publicity for applications for planning permission**

(1) An application for planning permission must be publicised by the local planning authority to which the application is made in the manner prescribed by this article.

(2) In the case of an application for planning permission for development which—

(a) is an EIA application accompanied by an environmental statement,

(b) does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated, or

(c) would affect a right of way to which [Part 3](#) of the [Wildlife and Countryside Act 1981](#) (public rights of way) <sup>1</sup> applies,

the application must be publicised in the manner specified in paragraph (3).

(3) An application falling within paragraph (2) (“a paragraph (2) application”) must be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; and

(b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(4) In the case of an application for planning permission which is not a paragraph (2) application, if the development proposed is major development the application must be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice -

(a)

(i) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or

(ii) by serving the notice on any adjoining owner or occupier; and

(b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.

(5) In a case to which neither paragraph (2) nor paragraph (4) applies, the application must be publicised in accordance with the requirements in paragraph (7) and by giving requisite notice—

(a) by site display in at least one place on or near the land to which the application relates for not less than 21 days; or

(b) by serving the notice on any adjoining owner or occupier.

(6) Where the notice is, without any fault or intention of the local planning authority, removed, obscured or defaced before the period of 21 days referred to in paragraph (3)(a), (4)(a)(i) or (5)(a) has elapsed, the authority is to be treated as having complied with the requirements of the relevant paragraph if they have taken reasonable steps for protection of the notice and, if need be, its replacement.

(7) The following information must be published on a website maintained by the local planning authority—

(a) the address or location of the proposed development;

(b) a description of the proposed development;

(c) the date by which any representations about the application must be made, which must not be before the last day of the period of 14 days beginning with the date on which the information is published;

(d) where and when the application may be inspected;

(e) how representations may be made about the application; and

(f) that, in the case of a householder or minor commercial application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.

(8) Subject to paragraph (9), if the local planning authority have failed to satisfy the requirements of this article in respect of an application for planning permission at the time the application is referred to the Secretary of State under [section 77](#) (reference of applications to Secretary of State) of the 1990 Act <sup>2</sup>, or any appeal to the Secretary of State is made under [section 78](#) of the 1990 Act <sup>3</sup>, this article continues to apply as if such referral or appeal to the Secretary of State had not been made.

(9) Where paragraph (8) applies, the local planning authority must inform the Secretary of State as soon as they have satisfied the relevant requirements in this article.

(10) In this article—

*“adjoining owner or occupier”* means any owner or occupier of any land adjoining the land to which the application relates; and

“requisite notice” means notice in the appropriate form set out in [Schedule 3](#) or in a form substantially to the same effect.

(11) Paragraphs (1) to (6) apply to applications made to the Secretary of State under [section 293A](#) of the 1990 Act (urgent Crown development: application) <sup>4</sup> as if the references to a local planning authority were references to the Secretary of State.

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## **The Town and Country Planning (General Development Procedure) (Amendment) (England) Order 2010**

### **Amendments relating to local advertisements**

3. (1) In article 1 (citation, commencement and interpretation) omit the definition of “by local advertisement”.

(2) In article 6 (notice of applications for planning permission) for “by local advertisement after the prescribed date” in each place where it occurs substitute “by publication of the notice after the prescribed date in a newspaper circulating in the locality in which the land to which the application relates is situated”.

### **Amendments relating to publicity**

5.—(1) In article 8 (publicity for applications for planning permission)—

(a) in paragraphs (3) and (4)—

(i) after “publicised” in each case insert “in accordance with the requirements in paragraph (6A) and”; and

(ii) for sub-paragraph (b) in each case substitute—

“(b) by publication of the notice in a newspaper circulating in the locality in which the land to which the application relates is situated.”;

(b) in paragraph (5) after “publicised” insert “in accordance with the requirements in paragraph (6A) and”; and

(c) after paragraph (6) insert -

(6A) The following information shall be published on a website maintained by the local planning authority—

(a) the address or location of the proposed development;

(b) a description of the proposed development;

(c) the date by which any representations about the application must be made, which shall not be before the last day of the period of 14 days beginning with the date on which the information is published;

(d) where and when the application may be inspected;

(e) how representations may be made about the application; and

(f) that, in the case of a householder application, in the event of an appeal that proceeds by way of the expedited procedure, any representations made about the application will be passed to the Secretary of State and there will be no opportunity to make further representations.”.

(2) In article 19 (representations to be taken into account)—

(a) in paragraph (1) after “where any notice of” insert “, or information about,”; and

(b) for paragraph (1)(c) substitute—

(c) published in a newspaper under article 6 or 8 or on a website under article 8, within the period of 14 days beginning with the date on which the notice or information was published,”.

(3) In article 20 (time periods for decision)—

(a) in paragraph (5) after “where any notice of” insert “, or information about,”; and

(b) for paragraph (5)(c) substitute—

(c) “published in a newspaper under article 6 or 8 or on a website under article 8, within the period of 14 days beginning with the date on which the notice or information was published,”.