

**Brecon Beacons National Park Authority**  
**Scrutiny – Planning Pre Application Advice Service 01/2013**

**Question session with Planning Officers – held in July 2013**

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**Q1 How do you provide planning advice (methods)? and Q2 What is your experience of the various methods of planning advice?**

**Principal Planner 1** – Essentially in terms of the methods we use we give planning advice over the phone and through our officers as well. We also use the D.C admin staff; they can give basic planning advice in terms of what type of applications to submit if they want to submit an application. For more detailed queries the officers can give advice over the phone. We also do it by email; we do it face-to-face in planning surgeries, and through the paid pre app service that we provide. We provide it via written response to a formal paid pre app enquiry and they can also include site visits as well through the paid pre app service if that has been requested. And also we have got quite a lot of advice written down which is available on the internet. We've got a series of planning advice notes so there's quite a lot of different ways in which, I think we do provide advice, obviously some people need more detailed advice than others essentially, so it depends on what the advice is and what advice has been sold.

**Principal Planner 2** – In terms of the planning surgeries we have recently cut it down from three surgeries to two. For various reasons, the Llandovery surgery wasn't well attended towards the end. It was used previously before we had the paid pre app system by some agents in the western end of the park to pop in and have a word with officers but since then that sort of thing has been done with the paid pre app and then we didn't tend to get many sort of Mr and Mrs Joneses of this world coming in to speak to us and I think that once people want to come in to talk to us they'd rather do it by coming to Brecon and doing it that week than wait a couple of weeks for the next one to be honest, and it's just easier for people to come into Brecon and get it done quickly.

**Member 1** – So it's Brecon and Abergavenny sometimes then as well is it?

**PP2** – Yes Abergavenny is still going. We get a few appointments every couple of weeks coming in to Abergavenny Surgery so that's still going and we use the....

**PP1** – The one stop shop basically in Abergavenny so it's shared with Monmouthshire and it's on every other Tuesday...

**MI** – And Brecon is?

**PP2** – Every Wednesday at HQ in the reception area...

**PP1** – In the goldfish bowl is what we call it, the little room down stairs in the reception.

**PP2** – It's all done on an appointment basis and they have to ring up and book a slot and it's every half hour.

**Member 2** – So did you find that when you started the face-to-face planning surgeries you had a good reception and then it dwindled off?

**PP2** – Yes I think it has been busy especially with people coming off the street.

**M2** – Would that be a reason for you to say that you're going from 4 to 3

**PP2** – Yes it's a lack of take up

**M2** – But there was a take up

**PP2** – oh yes there was a take up because that's the only planning advice for that area that we had really.

**M2** – What I'm trying to get out of you is why did it?

**PP2** – Yes it dropped off because the agents and architects are taking advantage of the paid pre app.

**MI** – Most agents are based in Brecon and not out in the countryside so therefore Brecon is the easiest place for them to come in to - does that make any difference?

**PP2** – Well we don't accept agents coming in, the planning surgery is literally just for the public who have queries which are simple so whereas we used to deal with anything i.e. changes of use and conversions and anything like that at the planning surgery, that sort of thing now triggers the paid pre app advice route so it's dropped off because it's mostly now the domestic extensions and the minor...

**MI** – Do people complain at the Brecon Surgery that they've had to travel all the way from Llandovery?

**PP2** – No not really.

**MI** – They find it quite convenient? Nobody complains about the travelling?

**PP2** – It's just speed, if they want to know the basics of an application or a housing extension and they'd rather speak to someone rather than over the phone or email us then they'd rather come in that week as it's fresh in their minds.

**MI** – So there's no problems with the residents at all?

**PP2** - No they don't mind, I think they don't mind coming from Llandovery to be honest. Not that we have that much really as population wise there's not that much there. But they do take up the email option. The planning surgery slots are split into people actually coming in and then you might have a half hour slot in your day dealing with a specific email. So it's convenient for the public that way as well so if you say you live in in England or another part of the country and you can't come down and if it's a simple query then you can drop us a line with the planning surgery officer and we can deal with it in that way then. And you would actually use that half hour then to deal with it. It's a good use of resources and it's allotted in to your diary.

**PP1** – It's definitely working far better than it used to because previously you were assigned on a rota basis in terms of the planning surgery so all the development control officers had to do it on a 6 monthly basis, so there are slots that everybody has where they do 2 or 3 days surgery during that 6 month period essentially. Whereas before you basically had to block out your whole diary and you might not get anybody turning up, so it could be a waste of time and we could have gone out on a site visit perhaps, but now with the booking facility officers can

manage their time far better because they can see who is coming in and when and what time they have a break to get on with something else. It also helps the public because when we didn't have an appointment basis at all you could have everybody turning up at 9.30 and they could be waiting for an hour or so which wasn't convenient. All in all it's quite a good service and quite a good system going now.

**PP2** – And with the appointments they have to tell us what they're query is so we can get a bit of background on the site so it's not a complete surprise on the day. Most officers carry out some research the afternoon before and then they are armed with the correct advice on the day.

**Member 3** – Is there anything on the website to tell people coming to the surgery what sort of information they need to bring because I can imagine someone coming in and saying I want to build an extension so I'll go the surgery as that's not a constructive use of your time, they've got to bring certain information.

**PPI** – Yes there is a planning advice note that's on the website which covers the planning surgery side of things but it's probably due to be updated though because I think it might possibly be referring to the Llandovery surgery but it does set out roughly what's needed but in any event when they ring the officers in the D.C Admin room tend to advise potential applicants to bring as much information as possible also the admin staff do try and get as much information as they can for us and when they slot in to the electronic diaries there's quite a bit of information as to what those people are coming in for so all in all its working well and better than it used to.

### **Q3 Do you think the advice service is value for money for the applicant?**

**MI** – What is the cost of the service for agents?

**PPI** – In terms of the paid pre app? It varies essentially, again there is a document on the website which is a guidance to the paid pre application information and it sets out the range of tariffs for the different types of advice, for instance, if an agent was simply asking for copies of documents or for histories of sites, I think it's about £50.

**PP2** –The solicitor might want confirmation of commissions that have been discharged in development for their records and for them to sign the documents for them to buy the property so anything legally to do with an application...

**MI** – And then you say to them that this advice will cost you x amount before you start because of x reason and then it goes up to?

**PPI** –It goes up to around £1000 but that's for major applications, schemes like ten dwellings or more or large applications but they can go higher than that...

**PP2** – They can be negotiated if it's a major scheme where there are maybe 4 or 5 pre app meetings, that's negotiated then as there isn't a tariff specifically related to that type of thing.

**M1** – So do you set that or does it have to go to somebody else higher, to do with finance or anything like that?

**PP1** – No it's at our discretion. There is a guide in that note that's on the system so we use that essentially. But if there are schemes where we have to consider how much officer time roughly is this going to take and who needs to be involved, does it need to have Head of Development Control or Director of Planning involved as obviously the fees would be higher then.

**M2** – So the basic fee would be £50 for advice on copies of...

**PP2** – Yes on copies of consent and things like that.

**M2** – So with planning advice for residents say if they wanted to carry out amendments to their house say, an extension or something like that, what would be the cost of that?

**PP1** – That would be free essentially,

**PP2** – Yes there's a list of exemptions for the tariff that explains where we don't charge for advice and that would be one of them.

**M2** – So the extension side is all free now?

**PP1** – The only difference would be if there was an agent that was coming to us.

**M2** – If an agent came instead of me?

**PP1** – Well we would charge the agent as essentially what we consider is that if you're a planning agent or an architectural agent you should be able to advise your client as to what they consider would be accepted in the park so therefore it's like a double charging system in some respects you know, it's like a charge for the professional to professional advice.

**M2** – And how much would that be?

**PP1** – Around £100.

**M2** – So the professional advice would be around £100 and the residents' advice would be free.

**M1** – Do you get complaints about the cost of this?

**PP2** – No, I remember going to a meeting with one architect who complained about the fact that we were charging for advice but I wasn't aware of this architect, and I understand he doesn't carry out that much work in the park and I think that one of the other agents who does a lot more work in the park said well actually we value the service. Because we've started charging for it it's incumbent upon us to do a proper job on it so it has to be detailed comprehensive advice and that takes more time so we have to charge because otherwise it'll be the taxpayer and then we wouldn't be able to do much of the other work, and because of this the other agent who does more work for the park said that we should actually charge more. So we haven't revised the fees since April 2010, we've reviewed it once I think, the Director of Planning brought it to NPA about the fact that they want to keep the charges as they are but I think over the course of time over these last 3 years we've noticed a few things that haven't been necessarily covered in the tariff or perhaps the one issue I've had is that there is a blanket fee for between two units to nine units so say if you wanted a site for two units you'd still have to pay £500 whereas £100 for one unit so I've used a bit of discretion on that and said you're

looking at around £250 or something like that so it's a bit less money wise, but obviously if you're looking at a bigger scheme then you'd take it out of the tariff so it might be a bit of a sliding scale depending on numbers so that's what we need to review.

**M2** – So one unit is...

**PP2** - £100 plus vat

**M2** – So say we move on now, as we've done the residents for extensions etc so that's free, £100 for the agent, now we'll move on to how much it is for someone to build their own house?

**PP1** - £100 plus VAT.

**M2** – So to build a house it's £100 plus VAT for both the resident and for the agent if he/she has one.

**MI** – When you give the advice does it normally lead to a successful outcome or if it's refused by Members or others and you've given this advice does that ever happen?

**PP2** – It can, yes because at the pre app advice we don't widely consult with statutory consultees because we haven't really got time to do so – we have 21 days to turn it around.

**MI** –Yes as there might be other areas such as highways...

**PP2** - Yes there may be an issue with other services which we haven't had time to research.

**MI** –Do the applicants get a bit fed up of you then?

**PP2** – No because we put a disclaimer on the bottom which says our advice is based on the information before us, and it's from a planning point of view, but we do caveat it and say there might be something like other services running through the site that we're not aware of, perhaps the applicant is not aware of so we advise them to do a proper check then.

**MI** – And you don't know what neighbourly problems that come up either?

**PP2** – No and we don't seek their advice because it's not on...

**MI** – When you're giving the advice and are unaware of that so there's all of that to take in which is quite significant sometimes...

**PP1** – I think what we try to do is try and flag up things, like when we think there might be an issue with highways here you might go and speak to the relevant officer because a lot of people don't understand that we're just planning and people don't necessarily understand that we have to go to Powys, Monmouthshire or Carmarthenshire for example for the highways advice. So sometimes we will kind of say to them, in terms of highways you need to approach Carmarthen or Powys etc and give the contact name as it is difficult sometimes to know who to consult, but that's what we try and do, and also in terms of NRW, we just advise them to go and approach them in terms of flood risk issues and things like that, that we can't necessarily give advice on as it's more of a specialist area...

**M2** – I met with the agents a fortnight ago - I'd say they were mainly architects rather than planning agents so they'd know perhaps the planning law but they don't know what other services are involved in getting a planning application through and that's where you give extra advice isn't it because you might have to have a bat survey done or something...

**PP1** – Exactly and that's what we do, we always try and advise that if the pre app is basically towards an application in the future at the end of the letter we try and say, based on the

information this is what we expect you to provide in terms of the application. So it's making sure that when an application does come in it is valid so it avoids the initial delay that can occur at the validation stage of applications because there is a statutory requirement, there is a certain amount of information that you have to submit in order for the application to be valid and that's caused a problem, I think. That's where agents possibly get a bit frustrated is that they think what they've submitted is absolutely fine, whereas actually based against the statutory requirements it's not and that is the element as well that we can catch at the pre application stage.

**M2** – Do you feel that doing a pre application and then you going through the pre application saying this is all ok, that the agent and the applicant can actually say I'm through now because you've given your advice.

**PP2** – We do give a level of comfort to them, if it's a non-starter, we'll tell them that, we manage expectations, we don't want to invite applications that are unfeasible.

**M2** – But if you've done everything you can you can more or less sit back and say oh I'm alright now.

**PP2** – We do put some comfort in there to say if you do x, y, and z perhaps to a line of a building or if everything is ok from a flood point of view or something like that then we do take account of that and we would say, in principle this would be acceptable in planning terms.

**M2** – So you would go along with it and say as a planning officer you've done the pre and as far as that's concerned you can have it.

**PP1** – Well no, you can't get to that stage, no.

**PP2** – No, we wouldn't leave it hanging, we just want to give them an idea of how we'd feel about that scheme so we'd give them that comfort to let them go ahead with it or completely drop it so if we thought it was a complete nonstarter in planning terms and it would be refused we'd tell them there was no point applying for it. If there's a chance, if they made various changes to the scheme or had to supply extra information then we'd caveat it and tell them and say if consultees such as highways are supportive of us in planning terms we would be confident on recommending a positive determination of this scheme. We'd always caveat it, we can't say...

**M2** – until somebody else comes into it? Then you're in favour

**PP1** – No

**M2** – Well that's what it sounds like.

**PP2** – We'd give them that comfort.

**M2** – You can just give the advice and not make a decision.

**PP2** – No that's not the decision, we obviously can't make a decision at that point, we'd be saying if an application came in for us on this basis then it is likely that it would be supported or something like that. We couldn't say either way for definite because there are so many other things to consider.

**M1** – The neighbourly objections are worse very often aren't they?

**M2** – But when you say a neighbourly objection then that's normally just for people to take a viewpoint on, I mean you never base it on that, because you can't on a neighbourly objection as they're mostly biased.

**PP2** – Oh yes they are but there might be something that comes up during the course of the 21 day consultation period that you might not have thought about at the pre app stage. Whilst we don't give a categoric yes, if you came in before and it was exactly like this then it would definitely be approved, we give them the comfort and the confidence to apply and if during the course of the application there are a couple of changes needed or whatever then that's fair enough. But we do caveat it we can't get away from it.

**PPI** – Every single officer has the standard template letter which has the same caveat on it, so every single letter that goes through the paid pre application process has exactly the same caveat on it.

**MI** – Do you get many cancelled appointments? You know when you arrange appointments either here in Brecon or in Abergavenny, do people not turn up like they do at doctor's appointments and things like that?

**PPI** – I have had a couple who were late or something of that nature, because they'd forgotten, or something like that.

**MI** – Because it would seem like a waste of your time if it happened all the time but it looks like it's very rare.

**PPI** – Yes it is quite rare.

**PP2** – Sometimes on the Abergavenny surgery you might get one booking and you might look at the request for advice and the officers would take the view of, well to save us going down to Abergavenny for that one booking, you might be able to do it over the phone if the person looking for advice is happy with that then, and it would be cancelled in that way then but in terms of people not turning up, we don't get many of them, because once it's down as an appointment then they're pretty good.

#### **Q4 Do you think the advice service is value for money for the Authority?**

**PPI** – Personally, in terms of the advice service as a whole, I think it is value for money for the Authority in terms of as a whole because it means that we're front loading the application process essentially we're advising people before you get to that stage, so essentially in terms of the application process, it flows a bit better so therefore it saves officer time in that respect, it does take up a lot of officers time prior to the application obviously coming in to the advice stage, as I said earlier, I think it has improved quite a bit now as we have got more of a structured approach to providing planning advice but in terms of the paid pre app process, in my personal view, I think there is a need to increase the fees. Prior to coming here to work I worked in England as a private consultant and paying for pre app advice has been going on for years in England and the approach a lot of the authorities tend to take is they charge half of what the planning application fee would be so for instance, if you were having quite a large scale

development which could attract something of the nature of about £50,000 for the planning application itself therefore they would charge £25,000 for the pre application, so I think there is a need to look at the tariff because we have had some response from some agencies saying well what we do get is really good and if you think about it the officers time that it takes if we were to do a bit of analysis of what the cost to the authority is per hour of each officer looking at this then you probably would find that we are possibly making a loss on some of them.

**PP2** – I'd agree with that, there is a paragraph at the start of the guidance notes on paid pre app approach to planning advice, and it basically allows us to allot that time to these pre application negotiations as officers without damaging the time we have to spend on applications, so it funds that part of it, and it allows officers then to give that proper time and concentration to these pre app queries.

**Member 4** – So as a rough guide for an individual dwelling application, how much time would you on average spend on that during the pre-application process?

**PP1** – I would suggest depending on a site visit, some of them, for instance, if we are going out on a site visit, and we're happening to pass the site we do drop by, essentially and have a look, but if it is purely just a desk based assessment, I would say to look at the history and everything of that nature, and include the cost of the admin staff, which do all the registration processes, you're probably looking at around 4-5 hours.

**M4** – And that's what's covered with the £100 you charge for at the moment is it?

**PP1** – I don't know what the cost per officer would be to be honest, that's something that we'd need to discuss with finance if we were looking to potentially increase the tariff.

**PP2** – Ecology charge us £30 for an officer so it is probably roughly around that mark, so you're about right, it's roughly around 4 hours. Obviously some of them are complete non-starters, I've had a few that have come in and the application is completely outside the settlement boundary, I've had some who say have bought a piece of land next to a stable block and want to build a house there, and there's no justification for it in planning policy terms, so there's no point in those instances in taking a site visit because the actual principle of it is completely out of the water, so on something like that it might take less time but on the more complicated sites, within settlements and there might be issues with ecology or there might be a special area conservation or something like that, like you said it's swings and roundabouts, so it averages to around the 4-5 hour mark.

**M1** – So if you say there's no chance because it's in this or this category, do they try and say well come on let's have another chat and we'll try and work it through with you, do they try and encourage you to try and reverse your opinion or change your opinion or not?

**PP2** – No unless it's for an enterprise dwelling there's absolutely no chance of it, I think they just value the quick response, so they just move on then, or look for another site, so they don't waste their time, so we try and get back to them in that time, for instance, we don't try and rope it out to 21 days, we try and get back to them as soon as we can so at least then the applicants can figure out what they want to do next, so if they can get that advice sooner rather



than late they can move on then and figure out what to do next, but we don't get many challenging to that effect.

**Q5 Do you feel the pre application planning advice service is an effective use of Officer time?**

**PP2** – Well yes it is as it saves it during the application process, so we've talked about the principles and the issues that appear at the paid pre app stage, obviously we can't force people to go down the pre app route, not that we find that people are put off by the fees or the charges, but we can't force them, so if an application comes in that's a complete surprise to us, we deal with it obviously, but it does help if we hammer out the issues at the pre app stage and the applicant has obviously taken that all on board and supplies us with the right information then it speeds up the whole process then.

**MI** – So if obviously someone phones you and says, oh I want to do this and that, do you immediately say would you like to take advantage of our paid pre app?

**PP2** – Yes we do encourage that; because it then saves them the application fee as well, so in principle, there's no point someone applying and paying £330 for a dwelling in the open countryside and they can't, some people do ask for their money back in some cases, and we have to tell them then that they can't because unfortunately it doesn't work that way. So they would be better off paying the £100 for the pre app and get that comfort before they proceed with the application so we do encourage it but like I said we can't force them.

**M2** – Does the same officer who gives the paid pre app advice then take on the case?

**PP2** – Yes we try and allocate the same officer, you know on some of these, say, design issues, or more than the principle side of things, I think it is subjective, even though we try and get consistency in the team, so I think to avoid a situation where two officers have completely different views, between traditional and modern design that is on a scheme, we would for that, have knowledge of the site through the pre app, perhaps been out on site before, it just runs more smoothly if it is the same officer who deals with it.

**PP1** – It depends on the caseload though, you do sometimes get an officer who has a lot of applications, so it wouldn't be fair, but what we encourage then to happen, we've got quite a good team in that we're in an open plan office so we're always discussing sites together, so it's encouraged then that the officer discusses the matter with the original officer.

**MI** – Monmouthshire practices 'agile working' so lots of officers work from home, and particularly, planning, I think it's so important that you all get together and discuss it with one another, it's so important.

**PP1** – Yes I think, you can probably hear when you're in the members' room, and you might hear some noise in our room, it's always a case of officers talking to each other about sites, and we all learn from each other.

**PP2** – And we have meetings every Tuesday, we have new case meetings predominantly for the first couple of weeks of the process of a new application, where the officer could be slightly unsure of the best way to proceed with it, so we meet up and discuss it around a table, but more and more we've been bringing in pre apps as well, because we realise if we can give comprehensive advice on the pre app stage then we're better off at the application stage.

*(Q6 Do many applicants not attend arranged appointments? & Q7 Are there any advantages to operating a structured planning advice system? If so, what are they? It was considered that these questions had already been answered above.)*

**Q8 Are there any disadvantages to operating a structured planning advice system? If so, what are they?**

**PP1** – The only disadvantage that I can think about is because it's so structured, that members of the public can't just walk in off the street necessarily, these days...

**M2** – Yes well planning is complicated these days isn't it?

**PP1** – Yes, unnecessarily complicated in my opinion, but that's the only disadvantage that I could think about, whereas before on a Wednesday, people could just drop in if they were in town, it has become more of a disadvantage for them rather than us as an authority I think, as they do need to make an appointment and arrange to come in.

**M4** – I imagine that works both ways because with the drop in system, you could be an hour or two there, and there could be other people waiting to discuss things with you as well.

**PP1** – Yes that's equally true yes

**PP2** – As it's more structured, as you said it gives the officer the time to do that bit of research and give the proper advice then that they require and not be taken by surprise by someone coming in off the street.

**PP1** – The only other thing as you mentioned before is that, maybe some people in terms of that they get a response from us, they interpret it slightly different to what's on the paper, and then they come in with an application and then there's an issue. Sometimes that can happen and more often than not it's an applicant not the agent that doesn't necessarily understand how the planning process works, it can happen but that caveat is always there so...

**M2** – So would you have a conflict then between the officer and the applicant? Because you don't record these meetings do you, so the officer can say something and the applicant doesn't like it...

**PP1** – Well what happens in the planning surgeries is they give a yellow sheet, as I refer to it, and then we write down the very generic advice that we've given so..

**M2** – Ah that's good then...

**M1** – Yes it's a protection of sorts isn't it?

**PP2** – Yes and what we do then is give a copy to the applicant and then we keep the original and put it on file.

**MI** – Yes well it's good as if there is only the one officer in the room and there are three or four applicants...

**PP1** – Yes you're right, and that little note itself has got a caveat already on it as well so then they have something to take away and we have something to keep, and that's always uploaded on to our system so it's available on our internal system electronically.

**PP2** – It's a pretty basic form with the applicant's name, the address of the site, the advice sought, and the advice given, and then it's counter signed by the officer and the potential applicant, so even the signature is on there to show they are happy with the advice.

**MI** – That's really good...

**PP2** – Yes I think that they value that as they just take that away and then they've got something physical there to refer back to rather than relying on memory really.

**PP1** – Because when I've done surgeries, I've always noticed that the applicants were always scribbling away so we can say oh don't worry we'll write that down for you and they do seem appreciative of that.

### **Q9 Do applicants/agents complain about the fees for paid pre application advice?**

**MI** – Oh I think we may have covered this already really, as they don't really, do they?

**PP2** – No I think it's just accepted across the board now...

**M2** – Apart from the odd agent that has come up to me and said that he shouldn't be paying.

**MI** – Really, yes?

**PP1** – That's fine, you know, I think we were the first authority in Wales, probably, to bring it in I think weren't we?

**PP2** – Well some authorities are different, as some authorities want to attract a big business/commercial businesses to come into the area so they wouldn't necessarily charge for that advice, as they see it as a bonus for their part of the world, but they would charge then for the minor stuff like extensions to stop people coming in and for advice on minor issues and they charge for that then to justify the use of the officer time spent on it, but then they won't charge for the bigger stuff.

**MI** – Well, if you look at the bigger picture, with the financial constraints as they are at the moment, why shouldn't people pay, because it is a special service, because you were saying that people were complaining that they shouldn't pay...?

**M2** – Yes well, I was looking at charging people in this current economic climate any way you can get income you're going to try and get it...

**MI** – Yes exactly and it's a specialised service...

**PP2** – Well the planning fees haven't gone up in years, so we're lagging behind England in terms of the application fees as they haven't gone up since 2008.

**M2** – How much is an application fee now?

**PP2** – For one dwelling, £330, change of use £330, extensions £166, that’s all excluding VAT, as it’s all a flat fee.

**PP1** – I don’t know why with agents, perhaps I’m speaking out of turn here, but as they have to pay us, they would charge their client back for that fee anyway, so I don’t see what the problem is, and it might be that they see us as putting them out of a job as they might think that the applicants will come straight to us, pay a reduced fee from what they would charge, based on what I used to charge when I was a private consultant in England, and whether they see that as a potential threat, that they will lose out and lose business by virtue of us so...

**M2** – So if you take that to its logical conclusion, a planning agent should know it all...

**PP1** – Yes and that should mean that they shouldn’t come to us and that’s the situation.

**PP2** – They still like the comfort, that before they proceed with the application, that they might have a take on it, that they like to know that we have the same take on it, so before they tell the applicant that it’s ok, and then it turns out it’s not, I think they like having that safety net.

**PP1** – We have got a huge amount of agents, who have worked with the national park and know the policies of the NP inside out, well they should do, but, you know, they still want that reassurance which is fair.

**PP2** – To be fair there are a lot of different applications, there are some small differences between them, so on the face of it, it might look fine but there might be some minor elements to it that would not make it acceptable...

**MI** – This must be one of the only services that we can actually ask for payment isn’t it? I mean there’s no other service that county or authority provides where the public actually pay for it, okay perhaps a bit of waste or something, but it’s unique really isn’t it? In a service?

**PP1** - It is in some respects, but I think there are a huge amount of services in authorities that can charge, I just think historically that they haven’t, it’s never been thought about and I suppose it’s just making authorities more commercial...

**PP2** – And because it’s never been charged for, really some of the advice in previous years, is not really worth the paper it’s written on, there’s no real research taken into it, they haven’t checked the constraints, haven’t checked the planning histories, so there’s no real detail in there, it’s not worth it really for the potential applicant, but with the charges now it’s more incumbent of officers to do a thorough job on it because it then helps us in the planning process, application stage and it speeds that up and helps us hit the 8 weeks, so it’s a lot more comprehensive than what it was, whereas perhaps we’d do a letter without much detail and a lot of second guessing and principled suggestions, now we can go into it in a lot more detail especially with the information in and provide a lot more comfort to the applicants going forward.

**Q10 Are applicants/agents/developers generally satisfied with the level of advice provided by Officers?**

**PPI** - Obviously in terms of planning surgeries, it's instant, so I don't think there's any problems there, and sometimes, if we're not sure about something, like something that hasn't been raised in a surgery before, then officers tend to bring it back to the office after the appointment and try and look at it that day and then email a response back either that day or that week, that's the ideal thing, we've got a target of 20 days to respond to pre-paid application advice, if for instance we are not able to provide it within that time, most officers then tend to give the agents a quick call to say we will not be able to get you the information you were after in the time we were given, because of this or that reason, And most of them are relatively happy with that, there have been some instances because of as you're all aware, we're under pressure to meet targets, in terms of the application stage, so in some respects our priorities are applications at the moment, so in some respects the pre application, whilst everything is obviously a priority, but the priority is the applications. So the pre applications have to fit in when we've got the opportunity, so there are some instances where we might not meet our targets, and in cases where that has happened, and the agent has expressed their unhappiness, we've simply just reimbursed them the fee, and they're more than happy then, essentially because they've got good advice, and they've also got the fee back, but that has only happened a very few times...

**M2** – What is the time limit again for the responses?

**PP2** – Yes it's 21 days to try and turn it around, but the countdown doesn't begin until we've had the fee, sometimes, the applicants or agents might not really be sure of how much the fee would be, or you might end up getting the fee without the VAT added to it, which is quite common, as to be fair to them they're not used to the VAT element because it's not on their planning fees, so we acknowledge the receipt of the pre app query, Then it will be allocated to an officer, and then if there's something missing, like the fee, then we'd remind them of that and say that we can only allocate the time to look at the pre app if we have the fee, and it gives us the confidence then to move on with it...

**M2** – Can I give you a scenario then? If every application used the pre app service, would you meet your targets every time?

**PPI** – I wouldn't say every time, because something could come up in the application process, from other consultees, but I think we'll have more of a chance, and I think to be honest, since the pre-paid applications have come in the more larger schemes that we tend to deal with, they probably do go through the system through the application process slightly quicker because we are as officers, we know what's going to happen before the application comes in, so we've got an idea ourselves, essentially of what's going to potentially happen on that site. So we don't necessarily have to start from scratch if you know what I mean, so we're hitting the ground running as well as potentially the agents giving us all the information up front.

**Q13 Have you encountered any negative responses/reactions when giving advice and if so, how was it resolved?**

**PPI** – In planning surgery I have but I think this is mainly because when dealing with members of the public and trying to explain the planning process you can't explain the planning process in half an hour, but you try and do it as much as you can. I think there is a general perception out there that you'll never get anything through the NP in terms of planning, and some people come to the surgery with that preconception, and they come in expecting to hear that they can't do this or that, but then are surprised to learn that we say well yes you can, if you do this, this and that, but I've had instances where I've said well we will need something called the design and access statement for this and they're not entirely happy with that but once you explain the situation and say that our hands are tied as are other authorities in Wales, then they come round to it. So in terms of the planning surgery side of it, because it's face to face you can talk and negotiate and discuss through those possible issues when they receive advice that they don't particularly want to hear. But in terms of the pre-paid applications, I personally haven't encountered any problems with the advice, sometimes they'll come back to us and say that they're not clear and we will give them, provided it's reasonable what they're asking us and not completely different to what was originally requested, we can expand upon it if they're not clear...

**PP2** – Well we've had people, who if it's negative advice from their point of view, then they do come back and try again to persuade us that it's ok, but we don't victimise people, it's just the planning policy, and it's either acceptable in planning terms or it's not, we don't try and lead them down the garden path, we try and tell them straight, people do tend to get annoyed with that and then they think that it's a personal issue, but it's not, we can't just override any planning policies or recommend approval on something that's completely against policy. I think it takes them a little bit of time to understand that like PPI suggested, if there's an applicant out there and they're set on doing something and then the initial advice is pretty negative or perhaps heavily caveated or we're suggesting a different route, then they see that as a bit of a slight on their dream really and then they do have a go, but we try and explain it as fully as we can, and in the end they come round then, so that's the only time really we get the negative responses, I remember having one where there was an aircraft carrier on an airstrip to the west of the park, and I suggested that it could potentially be an Environmental Impact Assessment application so an environmental statement would be needed, and suggested that they come into us for a screening opinion, for the actual opinion from us as to whether or not it's an EIA development, they didn't do that and when the application came in we said no actually we think this is an EIA development, we need the environmental statement, and obviously there's a cost implication with that because there is a lot of surveys to do then as you have to provide them along with the environmental statement, so they were a bit aggrieved then. I think in the first instance they should have asked us for a screening opinion which would have saved them the time of doing the application, I think they were hoping to put the

application in with a few of the surveys, like a walkover ecology survey, and do the watered down approach, that would save them some money, rather than ask us for a formal opinion on the EIA, so there was a bit of a grievance on that instance...

**M2** – So is it the same in the park as it is with Powys if there's an EIA it has to go to a full planning committee? It can't be decided by the planning officer?

**PP2** – Yes they do, as they tend to be the bigger schemes, we wouldn't like to deal with those really under delegated powers, so they're the major schemes, the 16 week schemes...

**M2** – So by not doing that could that be somebody trying to get you to make the decision rather than it going to the committee?

**PP2** – Potentially yes...

**M2** – Although you've obviously sorted that out now...

**PP2** – Yes we have, you know it could be a way of avoiding having a wait depending on when the application comes to us and the valid wait for the 6 week cycle of planning committee but I don't think that's the major issue it's more the money really, and the cost of doing the EIA statement itself and employing consultants specialists who do that...

**M2** – I would presume that in the free surgery, it's more likely for someone to get upset than it is with the pre-paid app service because the agent or whoever would have said that this is a no go from day 1...

**PP2** – Yes we get ones with some of the agents telling the applicants that they can't do this or that, then they still ask them to do it anyway, and it's like you're the client I have to do what you ask and I will, so they seek our formal advice then, and that's the other side of it, I think those are the only negative responses that we receive, there was also one in a local village, where an applicant had bought a site and wanted consent for 5 units, he was having difficulty offloading some of those as self-build plots, so he now wants to build one house for him and another to sell, so 2 houses and the UDP doesn't trigger the affordable housing so he doesn't need to supply full reports so from his point of view it's probably more valuable economically, but that wouldn't satisfy national guidance in terms of efficient use of land, plus he's circumventing the policies on affordable housing, so we had to manage his expectations on that and say 5 would be the minimum we'd accept really, or the optimum that we'd accept on this.

**M2** – What would have happened if he had applied for the two in the first place?

**PP2** – It would be refused as inefficient use of land, he bought it with the consent, with the benefit of that consent so at the time he obviously thought it was acceptable...

**PP1** – And there was a huge history on that site as well...

**PP2** – Most of the time they're trying to get more units on site, but he was saying, well if I can't sell them and I can't build them myself as I haven't got the money to do it - so then he was caught in a catch 22 situation then, I sympathise with him really...

**PP1** – Yes but with this case in particular, due to the fact that he is in a settlement area, we do try and concentrate development in a settlement area, so that we avoid having to look for green fields sites, so if we're not using land effectively within our settlements, we're looking at potentially, in the future, having to look outside, so it's all about making the most effective and efficient use of land, within established settlements...

**PP2** – Yes, and a small house builder wouldn't want to drop the numbers would they? They'd probably come back and ask for seven.

#### **Q14 Who usually arranges the appointments – officers or admin staff?**

**PP2** – For the planning surgeries, it's booked and put into the MS Outlook calendar by the admin staff and the contact details are there, i.e. their telephone number, their name and a brief outline of what the query is about, and where it is, but in terms of paid pre app, it's not so much appointments, but if it's a site visit then the officer will arrange that with the developer, sometimes on a rare occasion, most applicants value showing their site, and they think that it's useful for the officer and for them to discuss with the officer at the site meeting, rather than the officer going out and having a look by his or her self, and taking a few photographs, they value the chance to speak to the officer at the site and explain the situation and perhaps explain the site, and what's where and perhaps if the site is wet, give us a rationale of why they've proposed what they have suggested, so the officers would book those meetings...

**PP1** – I think in general the admin staff are pretty clued up, if they think that what they're hearing on the phone is someone wanting to come into surgery but it falls into the pre application side then they will advise them and say sorry but you're going to have to go down the paid pre app route, so in that respect, the admin staff try and buffer those out of the appointment basis, so then in that respect you can say that the admin staff help to arrange them to be paid pre apps rather than planning surgery.

**M2** – By admin staff do you mean admin staff that work within the planning department?

**PP1** – Yes it's the D.C Admin staff that we call them; they're under the Planning Services Supervisor so they're kind of the planning customer services team so when you call the planning line you go through to those people.

**M4** – I just thought that you had downstairs...

**PP1** – Ah yes when you ring the number you have a choice of going through to planning if you press 1 or reception if you press 0 so this tells you how many calls that the planning department get really, so when you press 1 then you go straight through to the planning customer services team...



**PP2** – If the odd one slips through the net, and officers can see that it's not a planning surgery enquiry, then they say, I'm sorry but you're going to have to send in a formal enquiry, with a fee and then we can deal with it, so it saves us having to go down the surgery and telling them that face to face and wasting their time and their trip really, It does get picked up on, and the odd one does slip through because you might get something that on the face of it looks like a house holder or a general query, but it's more detail than what it should be then it should be a paid pre app.

**Q15 Do applicants/developers try to abuse the pre application service in any way? For example, sending the client to planning surgeries instead of engaging in the paid pre application service.**

**PP1** – Yes they have done in the past, for example, when they want to build extensions, but I think they did initially when the paid pre app first came in but that's dwindling away now, I think the agents have got the message, but we still get the odd one, and they say, yes we've already got this and then the applicant will come in with all these plans, already drawn up and we're a bit suspicious then, and then you might get a phone call from the agency saying... I don't mind but it doesn't happen as often as that anymore, so there are some who try and abuse the system but it is dwindling now that the pre application service has been in place for quite a long time, the level of abuse of the system is dwindling.

**PP2** – I think the agents are doing it perhaps for the sake of the applicant, rather than them come to us and charging the applicant they're probably saying then, well we can either do it that way and pay for me to go in and have a proper paid pre app query with them or you can go in yourselves, so perhaps the agents are just looking out for the applicant more than anything...

**M2** – Well you'd think it would be the other way around really, they send you in but charge you anyway, because I don't want to sound patronising or cynical, but it depends really on the intelligence of the applicant in a way...

**PP2** – Well if the agent tells them that it's the only way you can get a response from us is to go down the paid pre app route well perhaps the applicant wouldn't necessarily realise that there is a way of coming in to see us in the surgery if they haven't gone on the website or whatever...

**M2** – And as you've written everything down, then the applicant should turn around to the agent and say well I've done that I have proof of it, as that's the only way around it isn't it?

**PP2** – Some architects, like you've said, don't want to know about the planning, they just want to draw up the plans, so some of them are quite happy to offload it onto the applicants themselves to carry out the process themselves really.

**M2** – Well that's interesting isn't it? Because if I went to an architect and said, right I'm thinking of applying for this and he says yes ok I'll draw up the plans, here you are, he's charging them

for doing that already but they might not even have a hope in getting planning permission for it, They've then got a set of plans which are lovely but they're of no use whatsoever...

**MI** – And very often it's the same architect that does that isn't it really?

**PPI** – yes, well during my time with Enforcement recently, a lot of people that came in said that their builder told them they wouldn't need planning permission for it and they believed them. But I don't know how much more we can advertise our planning surgery service, you know there's only a certain amount that you can do, rather than put a fly in everyone's ointment as you say...

**M2** – Well we had one of those last week here didn't we? Where he had done the building before seeking permission to do so...

**PP2** – The builder was his brother and he trusted him but in hindsight he shouldn't have trusted him and it's caused a bit of animosity in that area of the park as other people now see that they've gotten away with it so why can't we you know? So it's become a bit difficult from our point of view now...

**PPI** – The problem is with small things like that, there are a lot of architects working in authorities all across Wales and they might think that they know what the planning regulations/permitted development rights are but they don't realise within the boundary of the park the regulations are a lot more restrictive. Some professionals may be giving what they think to be sound advice to clients without realising that there are different restrictions within the Park.

**M2** – the WG are currently looking into Permitted Development?

**PPI** - Yes, we received the draft around a month ago of what is coming but the Minister still hasn't signed it off – we're still awaiting the final policy. I have attended a Welsh Government workshop and it is very interesting, it is going to change a huge amount. It will essentially follow what is currently the practice in England. Whereas at present, in the National Park, householder permitted development rights is very much volume based – 10 cubic metres as an outbuilding within your curtilage or a 50 cubic metre extension but in the future the focus will be on visual impact. The main introduction will be the issue of principal elevation.

**PP2** - With some houses it could be problematic identifying the principal elevation.

**PPI** - Principal elevation within an urban setting is easy because if you have a terraced row it's the front door but with farm dwellings – often the back door is used as the main entrance and although there may be a front door to the house it is rarely or never used. For them the

principal elevation would be their back door elevation but architecturally it would be the front of the house.

**PP2** - Clarifying the principal elevation will lead to a greater need for site visits and whereas we don't currently charge for permitted development enquiries we may need to start charging a minimal amount to cover officer time etc. Applicants can now apply for a certificate for a proposed extension/development which will confirm if their development needs planning permission so is therefore permitted development. This formal decision incurs a charge of £83. To date, we have replied in writing to permissive development enquiries with a yes or no but informing the applicant that they must apply for a certificate if they want a formal decision. Not many applicants apply for the certificate as they are happy with this initial advice as are the solicitors.

**M3** - Is there a development size limit for which you do not have to apply for permission?

**PPI** - 50 cubic metres. This is based on the original dwelling. For example, if the original dwelling, say built in the 1940's, has an extension of 40 cubic metres that was built in the 70s – up to a further 10 m<sup>3</sup> extension would be permissible as the accumulative extended area limit is 50m<sup>3</sup>.

**PPI** - The criteria for permitted development rights is long but essentially 50m<sup>3</sup> extension to the back of the property would be permissible – this isn't a large area but is enough for a conservatory, say.

**PP2** - People aren't generally aware of the issues with sheds. If you build a shed to the front of your property and it is near the highway this may well need consent. Although, it would not be a good use of our time to enforce every breach of this rule, sheds and extensions close to the highway need consent.

**PPI** - This 50m<sup>3</sup> limit on permitted development may change. The Welsh Government is bringing in the new permitted development rights on the 30<sup>th</sup> September 2013. There will be a transition period between the old and new regulations where confusions may arise. As the WG has not signed off the draft policy we cannot advise people of the changes which are due. There will be many changes and certain things which do not currently require planning permission will be included such as roof lights.

England changed their permitted development rights in 2008 and the WG policy is very similar to England's. However, there were many problems when England introduced the new regulations and principal elevation so the WG policy will benefit from and be informed by the

issues experienced in England. The WG will be able to adapt the policy and provide timely advice to prevent the same problems recurring.

**M2** - What control do you have on permitted development? For example, do you have any control on the appearance of the extension within permitted development?

**PP2** - Not really – if its permitted development.

**PP1** - There is an element within the permitted development conditions which stipulate the development must be acceptable in external appearance. They are not necessarily used unless in extreme circumstances where the aesthetic appearance of the original dwelling is marred by an extension using modern/inferior materials which are not in-keeping. For enforcement purposes this condition is very rarely used.

**M3** - Is there any sign that Wales may follow England's lead with respect to derelict buildings where they are sold very cheaply and in some cases given away on condition the recipient renovates the property to a certain standard as a means of regeneration of an area?

**PP2** - Good question - possibly. With say, empty terraced houses yes but there may be cost implications with barn conversions etc which need extra work to render them habitable.

England is also exploring the possibility of allowing permitted development to the conversion of unused office space to residential. Many LAs in England have opted out of this as they see it being problematic. The success of this would depend on the suitability of the area and amenities e.g. office blocks in inner city areas may best suit this conversion.

**M3** - Also large gardens have been used for development?

**PP1** - This was a popular method of development in England – brownfield sites. For example, with a row of terraced houses with long gardens to the rear, developers have used a technique popularly known as 'garden grabbing' to buy the ends of the gardens and build small estates on the land. This was common practice until about 2007-8 but it has now been stopped. 'Residential garden' has now been taken out of the definition of brownfield site.

**Q16 Do you feel the applicants attend a pre application meeting with enough information and understanding of the meeting to be a productive use of officer time?**

**PP2** - It depends on what stage they are at in the process. Quite often the applicant hasn't reached any major decisions as to the form of development but seeks guidance on what they can do. They may want a site meeting but have a few ideas in mind.

We try to get as much information from the applicant in advance to enable us to provide the best advice at the meeting. The initial meeting can be very broad brush. Normally, if a site meeting is called on the back of a pre application submission then we have that information. Most provide us with a drawing of the site layout as a minimum with a site location plan showing exactly where it is. We can discuss the issues then on site or here at HQ.

**PP2 & PPI** - To answer the question, in general, yes the applicant is usually well prepared.

**PPI** - Often when arranging a planning surgery appointment the applicant will be advised what to bring. Sometimes the applicant has already completed the application form and requires us to check that the form is completed correctly and that all the necessary enclosures are attached. We are occasionally asked by applicants to fill in the form for them but we explain that we are unable to do this.

**Q17 Are there any changes that you would like to see to improve these methods of pre application advice?**

**PP2** - Since its introduction in 2010 it is going quite well. There have been no real instances where it hasn't provided the service that applicants are looking for.

**PPI** - An increase in fees perhaps?

**PP2:** Yes an increase in fees to bring it more in line with the officer time spent on these queries.

**MI** - What is the situation in Pembs Coast NPA and Snowdonia NPA? Do you they provide a similar service?

**PPI** - Good question. I think in Pembs Coast that they do hold a surgery or have a duty officer available (mentioned in a workshop HR attended recently). They don't necessarily run an appointment system but at PCNPA HQ they make available a computer so that a householder can go in and access the planning portal. This is essentially a website which has an 'interactive house'. The householder can input the dimensions of their proposed development and the program will let them know if they need planning permission or not.

**MI** - **That is a little exclusive to those who can use a computer isn't it?**

**PPI:** Yes it is. I don't know if they offer a paid advice service in addition but they do have a duty officer available.

**Q18 Are you aware of how many planning applications follow the pre application planning advice once given?**

**PP2** – An officer in the planning department recently gave officers a paid pre app file and asked them how they ended up in terms of the application - perhaps as part of this scrutiny review into the process.

I believe the percentage of applicants who follow advice given was in the high 90s. An example of exception to the majority is Mid Wales Hospital where we held 4-5 pre app meetings, stating clearly how much affordable housing was needed to satisfy our policies and when the application came in they had not followed this advice.

Smaller schemes are more likely to follow advice given to get the best chance at a positive determination to their application.

**PPI** - Also in terms of the application forms, (the whole of Wales uses the same form) and there are questions on this form – ‘have you received advice prior to the application? What was the nature of the advice? Name of Officer advice received from and date?’

The presence of these questions may encourage more people to seek pre app advice – it may make them aware that pre app advice is available and could be of use to them.

Many applicants attach correspondence from us to their application.

**M2** - Do you get anyone coming in for advice that doesn't actually live in the National Park?

**PPI** - Sometimes - yes. As the boundaries are quite arbitrary and some applicants are unclear as to whether they live in the National Park or not.

**M2** - Do you get those who try to take advantage of the free advice surgery but do not live in the NP?

**PPI & PP2** - No – we would refer these to the relevant Local Authority.

**PPI** - Some applicants' land is dissected by or straddles the National Park boundary. This can cause issues.

**PP2** - Where this is the case the applicant needs to apply to both authorities then the Authority with the largest proportion of the site (unless 50:50) receives the fee. On occasion we are dealing with an application without receiving the fee for it.

**PP2** - With the PD changes coming in at the end of September it may be worth organising a review of existing fees and perhaps introducing fees for PDs. It would be better to introduce fees for the PDs as soon as they come in rather than 6 months down the line.

**MI** - Now is the time to look at fees for next April.

**PP2** - It wouldn't be a huge increase. If the current fee is £83 for a formal decision from the Authority – Unitary Authorities charge around £25-30 up to £50 to respond to queries on PD

rights. It wouldn't be worth setting the fee at any more than £50 for a PD enquiry as the applicant may as well apply for a formal decision at £83.

**PP1** - Officers will have to spend more time on site visits and our coverage is huge in terms of area so it is the expense to the Authority in terms of officer time to check where the principal elevation is. This expense will never be covered even by a £50 fee for each visit and the Authority will essentially run at a loss on this but it would be useful to recoup this in part.

**PP2** - It would avoid the situation where applicants come in for advice with 5-6 different possible extension ideas – it would concentrate their minds more as to what they want.

**M3** - The country is in a continued state of recession and there can be benefits to the economy albeit on a small scale if people are progressing with building, employing and spending. If we start putting costs up too much it could deter the occasional potential developer from carrying out work.

**PP2** - In terms of the value to the applicant I think it's very minor with regards to the cost. I don't think it will deter them from seeking pre app advice or a submitting a PD enquiry. With regards to the application fees, I think you're right, the WG have not increased these fees recently to encourage work to be undertaken and improve the economy.

**PP1** - If an application fee for a new dwelling is £330 and if they have pre app advice prior to this at £200-£250 they've paid £500-£600 for planning alone considering the applicant could make a profit of around £100,000 the fee represents a relatively small proportion of this. The main costs are the architectural fees and the actual build cost.

**M3** - We don't give any concessions to, say, the elderly?

**MI** - ...or for younger people?

**PP1** - We have no discretion as an Authority on the application fee – this is set by WG. This would also be very difficult to monitor and enforce.

*M2 thanked everyone for their time and the discussion was brought to a close.*