

The Decision Process

Who Determines My Application?

The case officer will prepare a report and make a formal recommendation as to whether planning permission should be refused (subject to conditions) or whether it should be approved. In the majority of cases the decision to approve or refuse planning permission will be taken by a planning officer who has delegated powers to act on behalf of the Council. Details of the Planning Scheme of Delegation is available from the Council's website at www.bradford.gov.uk/planning.

In other cases the planning officer's report and recommendation is submitted to one of the Council's three Area Planning Panels or Regulatory and Appeals Committee for consideration. Planning Panels comprise of locally elected Members and meet approximately every 4 weeks. We will notify you (or your agent) if your application is to be considered by an Area Planning Panel one week prior to the meeting.

The Planning Officer's report sets out the relevant planning considerations in respect of the proposed development and includes a summary of all consultation responses received. Agendas are published 5 working days before the meeting. Committee and application file documents can be inspected at your local planning office or are available to download from the Council's website at www.bradford.gov.uk/planningpanel.

In some cases the Panel may feel that they cannot make a decision until they have visited the application site. Site visits normally take place on the same day as the Panel meeting.

Some applications and appeals may also be referred to the Council's Regulatory and Appeals Committee, which meets approximately every four weeks. We will notify you in these circumstances.

Further information about what happens at planning panels can be found in Advice Note 10 : Public Speaking at Area Planning Panels.

The Decision Notice

After the decision has been made you or your agent (if you have one) will receive a formal decision notice, usually within two working days. If your application has been approved with conditions we will give reasons why they are necessary. Please make sure that you read the decision

notice carefully as there may be conditions attached to your permission, some of which must be complied with prior to commencing work. If your application is refused the decision notice will state the reasons why your proposal is unacceptable.

If you have commented on a planning application we will notify you of the outcome.

What Can I Do if My Application is Refused or I am Unhappy About the Conditions?

If your application has been refused or you are unhappy about a condition which has been imposed on your approval you can appeal to the Planning Inspectorate, an independent body reporting to the Department of Communities and Local Government. You can also appeal if your application has not been determined within the 8 and 13 week timescales.

You will be given information about how to appeal with your decision letter. An appeal must be submitted within 6 months of the date of the decision notice using a form which can be obtained from the Planning Inspectorate Customer Services Unit, Temple Quay House, Bristol BS1 6PN. Tel: 0117 3726372. You can also submit an appeal online using the planning Casework Service on the Planning Portal at www.planningportal.gov.uk/pcs.

As the appeals process can take a long time and be expensive it may be appropriate to amend your proposal in order to make it acceptable. You can submit another application with modified plans free of charge if it is within twelve months of the date of your previous decision. Only applicants have the right of appeal; there are not third party rights of appeal.

The Appeal Process

There are 3 types of appeal procedure:

- **Written Representations** - The Inspector will determine the appeal on the basis of written evidence from the applicant, the Council and any other interested parties. This will also include a site visit.
- **Public Inquiry** - This is the most formal type of appeal procedure. Evidence is submitted to the Inspector and witnesses who appear can be cross-examined. The proceedings are comparable to a court of law and both parties normally have legal representation.

- **Informal Hearing** - A hearing is less formal than a public inquiry and involves a discussion of the appeal proposals, led by the Inspector.

The Inspector's decision is final and there is no further opportunity to appeal except on a point of law.

More information about appeal procedures can be found in The Planning Inspectorate's "*Making your Planning Appeal*" which can be obtained from this office or on the Planning Inspectorate's website.

These Advice Notes are available in large print and braille on request.

AUGUST 2007