



## **What Happens to My Planning Application? A Guide for Applicants**

When you submit an application, you will receive an acknowledgement letter once it has been validated. The letter confirms the Council's description of the proposed development, the application reference number, whether the application is for a 'Local' or 'Major' development and the date of validation. It explains the timescale for a decision and provides the expected decision date. It also explains your rights of appeal thereafter if you have not formally agreed to an extension of time and not received a decision. Some applications can be decided before the expected decision date, whilst others may take longer. In most cases we will contact you in advance of the expected decision date to advise that a longer period will be required and to agree an extension of time. The statutory period is two months for Local Developments and four months for Major Developments and EIA developments.

### **What is a valid application?**

When your application is received it will be 'validated' by the development management technicians. The purpose of validation is to ensure that all the information and drawings required for a planning officer to assess the application and make a decision have been submitted. If your application has all the required information then it is a 'valid application'. When making an application you should check the [checklists available on our website](#) for the information we expect for each type of application. We may revise the description of your application. This is to provide clarity and to ensure the relevant planning points are referred to.

Once your application is valid, it will be allocated to a planning officer, neighbour notifications will be sent to all neighbouring properties within 20m of the development and your application will be available to view on [Public Access](#).

### **What happens if I haven't submitted all the required information?**

If, during the validation process, it is decided that your application doesn't have all the information required, then we will write to you with a list of what further information is required. You will be given 21 days to respond to our request. You should submit additional information via the [ePlanning portal](#) if that is how you made your initial application. After the 21 days, the application will be returned to you with any fee you have already paid if you have not submitted **all** the required information. If you receive an 'Invalidity Letter' and are unsure of any of the points made or you require additional time to supply the information you should contact the technician

dealing with your application (as stated at the bottom of the invalid letter) by emailing [planningvalidupdates@pkc.gov.uk](mailto:planningvalidupdates@pkc.gov.uk).

Occasionally there is some information that is not required at the validation stage of the application but is required for the consideration of the proposal, for example, photos of your site. If your application is invalid for any reason, we will add a note to the letter informing you of any additional information that may be requested by the planning officer at a later stage. This will allow you to progress matters effectively. It may delay the consideration of your application, or result in refusal, if you do not provide the necessary information.

### **Can I speak to the case officer?**

You are asked not to contact the planning officer during the statutory determination period for dealing with your application. This is normally 2 months for Local applications and 4 months for Major applications. This allows the case officer to concentrate on assessing your application. You will normally only be contacted during that period if we need you to give further consideration to a particular issue or if we wish to extend the determination period. Please ensure that you have provided up to date contact details including email address and telephone number. You should also ensure that you have added our generic email addresses [DevelopmentManagement@pkc.gov.uk](mailto:DevelopmentManagement@pkc.gov.uk) and [planningvalidupdates@pkc.gov.uk](mailto:planningvalidupdates@pkc.gov.uk) to your contacts to ensure our emails are not treated as spam or junk. Please note we will not normally contact you to advise you of the outcome of the application prior to issuing the formal decision, even if it is to be refused.

### **What happens if I am asked to change my application?**

Applicants will usually be requested to withdraw an application with a view to subsequent re-submission of the revised proposals if the change requested by the planning officer is significant or “material”. Where the changes are so minor as not to be material, applicants will normally be allowed 14 days for the submission of the requested change. Again, revised drawings should be submitted via the [ePlanning portal](#) if the initial submission was made that way. We will decide if there is a need to re-notify neighbours, etc. If the revision is unlikely to be achieved within 14 days, the applicant will be advised to withdraw the application and resubmit a new application once the changes have been finalised. A new application by the same applicant for a similar development does not normally require a fee provided it is submitted within one year of the validation of the previous application.

### **How can I present information if I don't speak to the case officer?**

To avoid the need to re-submit an application and to avoid the need to contact the case officer, any information you wish to provide which is intended to explain or support your application should be included in writing with the initial application. Guidance as to what supporting information might be required is provided in the relevant policies of the [Local Development Plan](#) and [Supplementary Guidance](#). We also have [Additional Supporting Information Guidance](#) which may help explain what is required. Additional information should not in any case be provided verbally to the case officer. By providing information in writing at the start, the information is

available to all those involved in the decision making process from the outset. You can follow the progress of your application on [Public Access](#).

### **What does the case officer do with the application?**

The planning case officer will initially undertake appropriate consultations with other statutory agencies (such as NatureScot), arrange for the application to be advertised in a local newspaper and on site where this is necessary, study the application and, where required, inspect the site. Many sites can be properly assessed by remote means, including photographs provided by the applicant. Where a site visit is considered by the planning officer to be necessary, they will not normally arrange a set time to make the site visit or arrange to meet the applicant on site, unless there are problems accessing it. If there are likely to be difficulties in accessing the site please let us know when submitting your application and provide contact details to enable access.

Some planning applications need to be advertised in the local press. If your application requires to be advertised then the additional fee will be requested from the applicant or agent after the application has been registered, checked and validated. The fee will not apply if the planning application affects a Conservation Area, the setting of a Listed Building or is a householder development. Legislation prevents us from issuing a decision notice if the advertisement charge has not been paid. If the payment remains outstanding after we are ready to determine your application, we will withdraw your application on the understanding you no longer want to progress to determination.

Once all the necessary information and comments have been received, the case officer will undertake a professional assessment of the proposed development in relation to the site itself, the policies in the Local Development Plan, other relevant Council Policies, government guidance, comments received from the public, comments received from Statutory Consultees and any other material considerations. In some cases this may lead to a request to alter the application or provide more information. As explained above, this may be accompanied by a request to withdraw the application and re-submit it once the revised proposal or additional information is available.

As the final stage in this assessment, the case officer will prepare a report with a recommendation. The report will explain the planning considerations relevant to the proposal and comment on the applicable matters. If it is considered likely that your planning application will take more than the statutory period to determine, you will be contacted before that date with an explanation and a request to agree a continuation of the application or a Planning Processing Agreement, if either is appropriate.

### **Who will decide my application?**

The determination of the majority of planning applications is delegated to senior planning staff in the Planning Service. Some planning applications are referred for decision to Councillors on the Planning and Placemaking Committee of the Council, which meets monthly. A very few applications have to be decided by the full Council and separate guidance will be issued to applicants in these cases. Applicants and the public may attend these public meetings.

The decision as to whether or not an application has to be decided by the Committee is dependent on such matters as the number of objections received and whether the application is proposed for approval or refusal by the planning officer. It is therefore not possible in most cases to predict before the end of the consideration process whether an application will be referred to the Committee. The Council's ["Scheme of Delegation"](#), laying down what may be delegated to officials and what has to be referred to the Committee, is available from the Planning Service and from the Council's website.

### **Can I speak at the Committee?**

Where an application is to be determined by the [Planning and Placemaking Committee](#), applicants (and objectors and supporters) are informed in advance and they may ask to be heard at that meeting. This is at the discretion of the Committee but is normally allowed. If there are a number of objectors they are likely to be asked to have only one representative to speak. The presentation to the Committee by applicants or objectors cannot include additional written information, photographs, etc.

### **What is in the decision notice?**

In due course, you will receive a formal decision notice from the Council approving, approving with conditions, or refusing the application. Reasons will be given for any approval, for any conditions attached to an approval and for any refusal. You will also be given details of your right to have any refusal or any condition attached to an approval reviewed. Depending on the scale of the application and whether or not the decision was made by the Committee, this will either be through a review by the Council's [Local Review Body](#) or an [appeal to the Scottish Ministers](#).

If you do receive permission, you should read the letter granting permission carefully, including any [conditions](#) and any notes. Sometimes the conditions on an approval will require the submission of further details for written agreement prior to starting the development or they may require that certain work, such as the formation of the access, is carried out prior to other work. **If these conditions are not complied with at the specified time then the whole permission cannot be legally implemented.** This applies even if, for example, the required details are subsequently submitted. In addition, the decision notice will include information on the requirement for applicants to submit notices to the Council concerning commencement and completion of works and, in some cases, to display information on site during the development. These also have to be complied with to ensure that the development is lawful. It is therefore essential for the developer's own protection that these conditions and notices are fully complied with. There is a fee (see our [Fees Charter and Scale of Fees](#)) for the discharge of conditions, and for the confirmation of compliance with conditions, which should be submitted along with the necessary information.

### **Who can use the planning permission?**

Planning permission runs with the land. This means that land or buildings can usually be sold or let with the benefit of planning permission. Occasionally, however,

planning conditions may limit the use or occupation of land or premises to a named person or company. If you wish to sell or let a building or land which is subject to such a conditional permission you will need to apply to us to remove or vary the condition.

### **How do I appeal?**

Before you appeal or request a review, you should take into account the reasons why we refused permission or added a condition. You may wish to read the Report of Handling or discuss the issues with the case officer.

- If your application was determined by the Council's Planning and Placemaking Committee or the full Council, you can appeal to the [Scottish Government](#).
- If your application was determined by the Head of Planning and Development under delegated powers, you can request a review of the case by the Council's [Local Review Body](#).

Information on which option is relevant to your application will be provided with the Decision Notice. An appeal or request for a review must be made within 3 months of the date of the decision notice.

### **Can I make changes to my planning permission?**

If, after you receive planning permission, you want to make revisions to the approved development you will need to let us know in advance. If the changes you want to make are modest and have no planning implications, we have discretion and may be able to consider them as 'non-material variations' (NMVs) and vary your planning permission accordingly. We will confirm in writing if the changes can be accepted as a NMV or if a fresh planning application is required. Again, revised drawings should be submitted via the [ePlanning portal](#) if the initial submission was made that way.

Work should not begin until you have all the necessary permissions and consents. Please note there is a charge for each request for NMVs but you can include more than one change in each request. The charges are listed in our [Fees Charter and Scale of Fees](#).

### **When can I submit a revised planning application?**

After either refusal or approval, with or without conditions, a revised planning application may be made. If the same applicant submits a similar application within 12 months of the date of the earlier decision, they would not normally have to pay a fee. However, if an application has been dismissed on appeal or review you cannot reapply for the same proposal within two years of the date of that decision. If your revised application follows on from an application which has been withdrawn, no fee would normally be payable within 12 months of the date of the validation of the original application.

**Development Management  
Perth & Kinross Council  
July 2022**