

Negotiations and Amendments to a Live Application South Somerset District Council



**South Somerset
District Council**

Dealing with Planning Applications – Making Amendments

This document sets out how the Council will deal with potential amendments to live planning applications.

To help give you more clarity about the chances of your proposal getting planning permission, and to take into account informal advice before you submit your application, you are strongly encouraged to use our pre-application service, please see our website:

<https://www.southsomerset.gov.uk/services/planning/pre-application-advice/>

Going through the pre-application advice stage will help ensure an application is submitted with all reasonably known issues identified. By having pre-application advice before submitting a planning application, you will likely benefit from a quicker and more successful application process, as there will have been opportunity for issues to have been identified and where possible resolved during the pre-application stage. This could save you time and money during the planning application process.

Spending time and effort on preparing your proposal is more likely to result in a high quality, acceptable development and will help us process your application quickly.

Dealing with formal planning applications

Our general approach once an application is submitted will be that where pre-application advice has not been sought the LPA will not normally negotiate amendments and any such discussions will be at the discretion of the case officer in line with the protocol below. If the pre-application advised that LPA support would not be forthcoming, then no negotiation around amendments will take place unless circumstances have changed.

It should be stressed that it is at the discretion of the local planning authority whether to accept such changes, to determine if the changes need to be re-consulted upon, or if the proposed changes are so significant as to materially alter the proposal to the point that a new application should be submitted. (see Paragraph: 061 Reference ID: 14-061-20140306 Making an Application - Guidance – www.gov.uk)

Amending a Live Application

If you wish to amend your application after submission but before determination you can request to do so through our planning application amendment service.

You may decide to use this service to:

- correct any errors made during submission
- address issues identified whilst determination is pending
- increase the quality of your development
- reduce your risk of refusal
- save time not having to submit an appeal
- change an aspect of the development without the need for a withdrawal/resubmission

Whilst the choice to request an amendment to an application will rest with the applicant/agent, the decision should be based on advice given by the case officer on the merits of doing so. If the case officer's advice is not to the liking of the applicant/agent then they are at liberty to decline to amend the application, in which case the officer will continue to determine the application as it stands.

Where the case officer considers a proposal is unacceptable a decision may be made to refuse an application as it stands. Where an amendment would profoundly change the description, nature or content of the scheme, you may be asked to withdraw the application and make a fresh submission; if this suggestion is declined a decision may be made on the basis of the application as it stands, more than likely a refusal.

If requesting an amendment an applicant/agent should also confirm that they agree to an Extension of Time (EoT) as it is likely additional work will be required to process the application. It should also be noted that an EoT may be required if, as a result of the amendment, the application is referred onto an Area Committee or Regulation Committee.

It is important to note that submitting an amendment is not a guarantee of a successful outcome. Whilst it may improve an application it does not necessarily mean that, when all planning matters and other material considerations are considered by Officers and possibly Members it is approved.

The Process

- The principle of accepting a revision to a live planning application is raised with and agreed by the case officer.
- In order to ensure clarity please include a detailed breakdown of the amendment(s) sought and the reason(s) for the change(s).
- The agreement to an Extension of Time is provided in writing.
- The Lead Specialist (Planning) retains the discretion to amend or interpret the approach to negotiation on a case-by-case basis.

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