

FEES INCREASE

Question 1. Do you agree that fees for planning applications should be increased by 35% for major applications?

Yes/no/don't know. Please give your reasons.

Yes.

As the consultation documents sets out, the fee levels are less than 1% of overall development costs, and would assist in LPAs being able to properly resource and deliver decisions in a more timely manner with better quality outcomes for all.

Question 2. Do you agree that the fee for householder planning applications should be increased by 25%?

Yes/no/don't know. Please give your reasons.

Yes, we are of the view they should increase by at least 25% but question why the increase is not 35% to be consistent with other planning applications as the justification is not clear. The difference applying a 35% increase instead would be £20 which is minimal for an applicant but important cumulatively for planning authorities.

The extra fees will assist in being able to deliver a swifter service benefiting householder applicants with more timely decisions.

Question 3. Do you agree that fees for all other planning applications should be increased by 25%? If not, please include in the comments box the particular application types where you believe the proposed increase is too high or too low. Your comments should be accompanied with evidence/costs if possible.

Yes/no/don't know. Please give your reasons.

Yes, we are of the view they should increase by at least 25%. There are a number of application types where existing fees are already too low and do not cover our costs, including:

- PD/Prior Approval fees. The current £96/£206 fee does not cover our costs especially for those Prior Approval applications requiring consideration of matters such as highway impact, design, amenity etc which are akin to considerations for a normal planning application. We would request that these fees be reconsidered and raised closer to the fee that would ordinarily be applied if full planning permission was required.
- S.73 fees to vary/remove a planning condition. As these applications create a brand new planning permission the current £234 fee does not cover the costs of re-assessing the relevant aspects of the scheme and reviewing and updating all the original planning conditions. This is particularly the case for major development where there are often 30+ conditions that require re-applying, many of which require updating to reflect that they may have already

been discharged via separate condition discharge applications. We would request that a separate higher fee for a s.73 application for major development be applied to reflect this extra necessary work.

- Discharge of condition fees. The current fee of £116 for non-householder conditions does not cover local authority costs when an applicant submits a single application to discharge multiple conditions. We would request that this £116 fee is increased by 35% and applied on a per-condition basis, with a maximum cap per application to avoid it incentivising local authorities from over-applying conditions unnecessarily.

Question 4. Are there any other application types or planning services which are not currently charged for but should require a fee or for which the current fee level or structure is inadequate?

Yes - please explain / No.

Yes. Applications to satisfy obligations within s106 agreements are not currently charged with each authority using bespoke application forms and some charging and other not. The work undertaken to agree/discharge matters secured in an obligation is often similar to the work required to satisfy a planning condition, sometimes considerably more when the inspection and transfer of land is required to be undertaken.

Likewise, applications to remove or vary obligations do not benefit from a universal application form and fee, with the costs of the associated planning officer work not otherwise accounted for.

Applications for works to trees and listed buildings are currently not charged for yet require expert assessment from arboricultural and heritage specialists within planning authorities. We would request that a small fee be introduced for both to cover some of this necessary local authority spend. The fee would need to be of a level that would not incentivise owners to not apply and instead carry out work unlawfully.

Discretionary and bespoke planning services

Question 5. Please can you provide examples of bespoke or 'fast track' services which have worked well or you think could be introduced for an additional fee? Are there any schemes that have been particularly effective?

Horsham District Council have been exploring the possibility of implementing a fast-track service, initially for householders, with potential to expand depending on the success of the scheme.

It would be beneficial if Government provided some guidance on the principle of Councils being able to use a fast track service.

Question 6. Do you agree with the proposal for all planning fees to be adjusted annually in line with inflation?

Yes/no/don't know. Please give your reasons

Yes.

Departmental costs rise annually leading to an income/expenditure gap on planning departments when fees have not been raised in line with inflation for a number of years. This impacts on the quality of service planning departments are able to provide and limits forward planning of department budgets and staffing levels when fee increases happen irregularly.

Ringfencing of additional fee income

Question 7. Do you consider that the additional income arising from the proposed fee increase should be ringfenced for spending within the local authority planning department?

Yes/no/don't know. Please give your reasons.

Yes

The consultation document does though suggest that even with the increase in planning fees, planning will not be working on a cost recovery basis and the expectation is for Councils to continue to make efficiencies and cost savings. Whilst Horsham District Council will always look to make further efficiencies if we can, it has to be recognised that savings have already been made, and in order to provide a good planning service and make timely decisions we have to be resourced to do so. Fees should therefore cover the costs of such a planning service, and there should not be an expectation to fund the planning service from other Council funding or make cuts to an extent that the ability of the service to deliver is impacted.

Fees for retrospective applications

Question 8. Do you agree that the fee for retrospective applications should be doubled, i.e. increased by 100%, for all applications except for householder applications?

Yes/no/don't know. Please give your reasons.

In principle yes, but the practical implementation will need considerable thought.

Whilst in principle we are very supportive of a mechanism to deter and penalise retrospective applications, in reality it will likely lead to disputes as to whether a development is retrospective at validation stage, or the retrospective nature of an application only being identified after an application has been validated, leading to

the possibility of the Council chasing for an extra fee, which has a resource and cost implication for the Council.

If a double fee is introduced there should be associated clarity that local authorities can invalidate a live application if a site visit reveals that the development is retrospective.

One way to potentially address this is to have a definition of what retrospective means in terms of the fee regulations (for example what constitutes a commencement of development such as the digging of foundations, or the commencement of a use) and updating the mandatory box on the application form which advises if the proposal is retrospective or not to be more prominent and clarify to applicants what retrospective means, and the implication for not being open about whether their development is retrospective.

There is also some concern that those who continually breach planning will be discouraged to submit a planning application, and therefore the Council will end up serving more enforcement notices, likely resulting in more enforcement appeals. Those that unknowingly breach planning will likely be the ones to pay the extra fee and submit an application.

On balance the Council is supportive of this approach to deter intended breaches of planning control but further information and guidance would be needed.

Removal of the 'free-go' for repeat applications

Question 9. Do you consider that the ability for a 'free-go' for repeat applications should be either:

- (a) removed**
- (b) reduced for re-applications within 12 months**
- (c) retained**
- (d) none of the above**
- (e) don't know**

Please give your reasons.

We consider that the 'free go' should be reduced for re-applications within 12 months

We agree that the free go is being abused by some applicants to replace pre-application advice. However, there is a significant benefit in allowing for a free second application to address refusal reasons and avoid the risk of appeal. This is particularly pertinent for major developments, where without a reduced second application applicants may choose instead to use the appeal process (as in many cases they currently do) to negotiate and address refusal reasons ahead of a hearing or public inquiry.

We consider a 50% fee for resubmissions would be proportionate to reflect the work that is still required on these applications and to still incentivise their use rather than resorting to appeal.

We would though strongly encourage the better enforcement of the appeal process to reduce the current practice by many appellants of submitting significant material information, in some cases well after the deadlines for appeal document submission. This abuse of the appeal process leads to considerable extra time and expense for planning departments, and often occurs after public consultation on appeals has ended, leading to risk of interested parties being prejudiced. It also means the appeal process is more attractive to applicants, and they may choose to appeal rather than submitting a revised application to address the reason/s for refusal.

Introduction of a prior approval fee for the permitted development right allowing development by the Crown on a closed defence site

Question 10. Do you agree that a fee of £96 (or £120 if the proposed fee increase comes forward) should be charged for any prior approval application for development by the Crown on a closed defence site?

Yes/no/don't know

Not applicable to Horsham District.

LOCAL PLANNING AUTHORITY CAPACITY AND CAPABILITY

Increasing resources in the planning system - Supporting the resilience, capacity and capability of local planning authorities

Question 11. What do you consider to be the greatest skills and expertise gaps within local planning authorities?

Specialist expertise in the following fields - Urban design, Ecology, Landscape, Drainage and water resources.

With the imminent introduction of biodiversity net gain the need for specialist ecological expertise is critical, given the additional workload this requirement will place on planning officers and consultants. Urban design skills are critical to being able to support the drive for improved design quality and the introduction of design codes.

There are also significant issues in recruiting experienced landscape and drainage and water resource professionals. This is both a function of an overall lack of these professionals in terms of numbers, and the fact that that salaries for the posts local authorities can offer are not competitive. In 2023 HDC undertook two rounds of recruitment to appoint a water resources specialist. We are currently on our fourth attempt to appoint a landscape professional following 3 failed attempts in the last year.

Question 12. In addition to increasing planning fees, in what other ways could the Government support greater capacity and capability within local planning departments and pathways into the profession?

Please provide examples of existing good practice or initiatives if possible.

Like many authorities we are struggling to recruit new planners, especially at senior level. As it stands the academic requirements to progress to chartered RTPI status required for many senior posts is significant and comes with cost to planning departments in sending junior staff to undertake the required undergraduate and masters degrees. Additional resource funding to enable junior staff to obtain the required qualifications would be of assistance. A review with the RTPI of the qualifications required to become a chartered member would also assist as well as better sign posting and sharing of knowledge to make junior planning officers and those interested in the field more aware of alternative routes to become a planner outside of the traditional masters route.

Question 13. How do you suggest we encourage people from under-represented groups, including women and ethnic minority groups, to become planning professionals?

More promotion locally and nationally showing / aimed at underrepresented groups. Increased promotion of all routes available to become a chartered planner.

Demonstrating by example the positive contribution planning policies and their implementation can make to the development of inclusive communities.

LOCAL PLANNING AUTHORITY PERFORMANCE

Improving the performance of local planning authorities – Our ambition for a high-quality planning service.

Tightening the Planning Guarantee

Question 14. Do you agree that the Planning Guarantee should better mirror the statutory determination period for a planning application and be set at 16 weeks for non-major applications and retained at 26 weeks for major applications?

Yes/no/don't know. Please give your reasons.

No, not at this time.

Horsham District is currently experiencing significant delays in being able to positively determine planning applications owing to the issue of water neutrality which affects all non-householder development in the district. We are working with applicants as best we can to advise on how they can demonstrate water neutrality however this, and the required consultation of Natural England, on many

occasions takes time. A shorter planning guarantee for us would potentially lead to us being moved to refuse applications to avoid the guarantee deadline triggering which will lead to delays in development being delivered, more appeals and unhappy applicants.

Furthermore, it will take time to better resource planning departments after the implementation of an increase in fees. It is likely new planners and specialists will need to be trained due to the shortage of experienced professionals which will take considerable time. An increase in fees cannot be coupled with a reduction in the planning guarantee at the same time. We would suggest at least a years grace between fee increases and the planning guarantee changing.

Extension of time agreements and Planning Performance Agreements

Question 15. Do you agree that the performance of local planning authorities for speed of decision-making should be assessed on the percentage of applications that are determined within the statutory determination period i.e. excluding extension of times and Planning Performance Agreements?

Yes/no/don't know. Please give your reasons.

No.

Performance should still be based first and foremost on agreed timescales with an applicant. It is often beneficial to all parties to resolve matters with an agreed extension of time rather than consider a resubmission or appeal. We do however agree that published performance data should include the percent of non-major applications determined within the statutory timeframes as this is one of a number of indicators of a planning authority performance.

Question 16. Do you agree that performance should be assessed separately for

(a) Major applications - Yes / no / don't know

(b) Non-Major applications (excluding householder applications) - Yes / no / don't know

(c) Householder applications - Yes / no / don't know

(d) Discharge of conditions - Yes / no / don't know

(e) County matters applications - Yes / no / don't know.

Please give your reasons. If no, please indicate which application types should be and should not be assessed and give your reasons for this.

Yes to all. These are all different types of application/development which are all important to determine in a timely manner. If any of this data is combined or not recorded then it could hide local authority performance.

Broadening the planning performance framework

Question 17. Do you consider that any of the proposed quantitative metrics should not be included?

Yes/no/don't know. Please give your reasons and, if appropriate, state the metric letter(s) and number(s) that you believe should not be included.

Yes. A.1, B.1 and C.1 all relate to major developments where negotiations to overcome matters raised by consultees invariably mean both parties are happy to agree extension of time to avoid refusal and appeal. Most importantly, most authorities do not receive a large number of major development proposals therefore these data sets can be heavily and misleadingly skewed by one or two applications or appeals.

B.1 data also does not reflect the now common practice of applicants only resolving refusal reasons at a very late stage at appeal, rather than via a re-submission. Planning Authorities are severely disadvantaged by this abuse of the appeal system, which unfairly creates the impression of poor performance in the data.

E.1-3. As Planning Enforcement is not a statutory service it is unreasonable in our view to monitor their performance.

F.1-2. This data reveals itself anyway from the main performance data under A and B, and is of benefit only to planning departments in training their councillors and committees. We can see no benefit in this data set to applicants or agents.

Question 18. Are there any quantitative metrics that have not been included that should be?

Yes / no / don't know. Please indicate what additional quantitative metrics you consider should be included.

No. We consider the quantitative measures already place provide sufficient information to consider the performance of planning departments.

Measuring customer experience

Question 19. Do you support the introduction of a qualitative metric that measures customer experience?

Yes/no/don't know. Please give your reasons.

No.

Planning is invariably a divisive process pitting applicants/developers against communities, with planning authorities in the middle often unable to simultaneously satisfy both groups. Any qualitative data collection would likely tend to pick up the dissatisfied group (eg the residents who objected to an

approved application, who would have more motivation to provide feedback and in greater numbers than applicants), creating a misleading impression of planning authority performance. It is also often the case the certain demographics respond to such surveys than others leading to a further misrepresentation of performance.

Question 20. What do you consider would be the best metric(s) for measuring customer experience?

We do not consider a metric to capture this data to be helpful for the above reasons, as the outcomes will almost inevitably be skewed given the contentious nature of planning.

Question 21. Are there any other ways in which the performance of local planning authorities or level of community engagement could be improved?

We would recommend that best practice guidance on agent forums, feedback forms, sharing experience etc be published, including directing local authorities to use useful tools such as the PAS toolkit which we in Horsham have found to be very helpful.

Public Sector Equality Duty

Question 22. Do you have any views on the implications of the proposals in this consultation for you, or the group or business you represent, and on anyone with a relevant protected characteristic? If so, please explain who, which groups, including those with protected characteristics, or which businesses may be impacted and how. Is there anything that could be done to mitigate any impact identified?

We would suggest that consideration be given to extending the disabled fee exemption to cover annexes where the annex is necessary for the welfare of a disabled person.