

Bath & North East Somerset Council

DECISION MAKER:	Cllr Timm Ball, Cabinet Member for Housing, Planning and Economic Development	
DECISION DATE:	On or after 21st September 2019	EXECUTIVE FORWARD PLAN REFERENCE:
		E 3153
TITLE:	Replace the Permitted Development Questionnaire application process with self-serve and Lawful Development Certificate	
WARD:	All	
AN OPEN PUBLIC ITEM		
List of attachments to this report: Survey questions – Appendix 1 (merged with the report)		

1 THE ISSUE

1.1 A Permitted Development Questionnaire (PDQ) application allows customers to ask the planning department whether a proposed development requires planning permission. The service is a local, non-statutory application costing £57 including VAT providing the informal opinion of the planning department. The issues are:

- (1) This is a discretionary service which is not part of the Council's Core Offer
- (2) Demand has halved over the last couple of years
- (3) There is an alternative statutory application called a Lawful Development Certificate (LDC) providing the same service
- (4) In many cases customers can self-serve to find out their Permitted Development (PD) rights which planning encourage to further reduce unnecessary phone calls
- (5) A recent mini restructure has consolidated and simplified the work of the Planning Support Team meaning that PDQ processing has moved out of the team and to planning officers.

2 RECOMMENDATION

The Cabinet member is asked to;

2.1 Agree that B&NES Planning can replace the PDQ service as soon after 1 September 2019 as possible with further promotion of self-serve (where appropriate) and the statutory application of a LDC where customers require the

answer to their question of 'do I need planning permission', thereby simplifying the Planning service offer.

3 THE REPORT

3.1 Demand for the PDQ service has halved from an average of 3 a day to less than 1.5 per day now. Most of this demand is driven by Highways wanting to know that the customer did not require planning permission before processing a dropped kerb application which is now not required.

3.2 Customers can find out their PD rights, in most cases by using the self-serve options shown on our website <https://www.bathnes.gov.uk/services/planning-and-building-control/do-i-need-planning-permission>. Corporately self-serve is encouraged because it supports transparency of process and delivers efficiencies. This will be enhanced when the Planning website is updated before the end of the year. By encouraging self-serve, where appropriate, planning can free up the phone line for those who do not have access to computers.

3.3 We also believe demand has dropped as PD legislation has become better understood by agents and the public alike since this legislation was introduced a number of years ago.

3.4 There is a statutory national application which can be used instead of a PDQ and answers the same question of 'do I need planning permission'. Here is a comparison of the differences between PDQ and LDC:

Permitted Development Questionnaire	Lawful Development Certificate
Informal opinion	Legal certificate
Non-Statutory process, local to B&NES	National statutory application form
Owner is not necessarily legally protected	Owner protected by issue of legal certificate
£57	£107
Up to 4 weeks to respond	Up to 8 weeks to determine
Sketch plan required	Site Location plan required and sketch plan

3.5 The advantage of a LDC to the customer is that they are fully protected by the issue of a legal certificate from a qualified planning officer. In the very unlikely event that a mistake is made in the issuing of that certificate the customer would have a high degree of legal protection which they do not receive with a PDQ response. In fact a PDQ response is caveated with the statement "The view expressed above is not a formal view of the Council. If you require a formal response you should apply for a Certificate of Lawful Use."

3.6 The Planning Core Offer of statutory duties is as follows:

- Decision Making
 - For all planning or tree applications, notifications, approvals, consents, certificates & discharges
 - Ensuring efficient operation of the Planning Committee
- Appeals
 - Defending planning appeals
 - Administering appeals
- Enforcement & Compliance
 - Investigating enforcement complaints
 - Taking appropriate enforcement action

- Engagement & Transparency
 - Enabling and supporting councillors, town and parish councils, members of the public and community groups to engage with the planning process

3.7 The Planning Core Offer of non-statutory duties is as follows:

- Provide a Pre application advice service including Development Team
- Set up Planning Performance Agreements where appropriate

3.8 Many other local authorities do not offer a PD checking service such as Bristol CC, LB Westminster, LB Waltham Forest

4 STATUTORY CONSIDERATIONS

It is considered that this decision would not give rise to any negative impacts regarding: equalities, crime & disorder, sustainability, natural environment, planning, human rights, children, public health & inequalities. It is a requirement under the scheme of delegation that a decision of this nature is made by the Cabinet Member for Housing, Planning and Economic Development.

5 RESOURCE IMPLICATIONS (FINANCE, PROPERTY, PEOPLE)

5.1 There will be a reduction in the PDQ income at £57 per application although because we expect most people to switch to the statutory application of an LDC at £107 per application, it is anticipated that overall income will at least remain the same, if not slightly increase.

5.2 There will be no impact on staffing as a result of this decision

6 RISK MANAGEMENT

6.1 Mistakes have been made in the past and customers have been incorrectly advised and if PDQs remain there is a continued risk to reputation and good customer service

6.2 A risk assessment related to the issue and recommendations has been undertaken, in compliance with the Council's decision making risk management guidance.

7 CLIMATE CHANGE

7.1 It is not envisaged there will be any impact on the climate change agenda by this decision

8 OTHER OPTIONS CONSIDERED

8.1 PDQs could be kept as a process. There would be implications to this decision.

- (1) The price should rise to cover the cost of delivery which is estimated to be around £90 for an hour of officer time plus the administration element, making the price comparable to the statutory LDC application, further diminishing the need to keep the PDQ service

- (2) The numbers are still expected to decline now that self-serve is encouraged in all circumstances and the process will no longer be linked to the Highways Dropped Kerb application

9 CONSULTATION

- 9.1 The Agents Forum mailing list was offered the opportunity to complete a survey to give their views of the PDQ service. There are over 140 email addresses on the mailing list and 32 individuals responded to the survey. The questions asked are in appendix 1. It is worth noting that over 75% of all applications received come via a planning agent.
- 9.2 50% of respondents had not used the service in 2 years and 25% had used it more than once
- 9.3 Of those who had used the service in the last 2 years (19), 5 considered it to be good or very good, 8 considered it to be satisfactory and 6 considered it to be poor or very poor. Two commented that they thought the service was not conclusive enough.
- 9.4 Unsurprisingly Agents are used to checking PD rights and appear satisfied with other resources available: 34% use the B&NES website, 63% use the Planning Portal website, 69% already know about PD, and 9% use other websites. This is helpful because greater promotion of self-serve is important for the way planning works with its customers in the future. Of the feedback there were some negative comments about the time and cost of an LDC compared to a PDQ and one respondent mistakenly thought the PDQ was a formal response, which it is not.
- 9.5 Interestingly 4 (12%) of respondents were not aware that a LDC performed the same function as a PDQ and nearly half of respondents were not aware of some or all of the differences between them. When asked whether their opinion had changed 10 stated that they would use, or consider using, a LDC in future instead. 12 said they would want to be able to use a PDQ and some were concerned about the additional time and cost of a LDC, however, there is already a cost to the client in relation to the current process. One respondent was a representative of Care and Repair who appeared unhappy with the extended timescales although happy that disabled customers would now be exempt from paying fees (see section 4). There was one respondent who seemed to be saying that agents interpret the legislation themselves 'PD is covered by government statute' and 'as a professional I advise my clients as necessary, if residential development falls within PD I do not use the service'.
- 9.6 The last question asked was what was the maximum price people would be prepared to pay? If the service were to be kept the price would have to rise to cover the cost of delivery. Over 50% said they either wouldn't use it or wouldn't pay more than the current price.
- 9.7 Overall the survey supports removal of the service for the following reasons:
 - (1) If the service were kept and the price increased to cover the cost, demand would drop further making the service unviable.
 - (2) Those in receipt of a Disabled Facilities Grant will get a free service with no requirement for them to claim back the cost of a PDQ

- (3) The service is not universally used or liked and there are issues with our lack of conclusive responses
- (4) Planning agents are using self-serve options for PD checking more than we realised and Planning will promote this further as the council moves to a more digital organisation

Contact person	<i>Sarah Jefferies 01225 396556</i>
Background papers	<i>Survey questions – appendix 1</i>
Please contact the report author if you need to access this report in an alternative format	

Appendix 1

Permitted Development Questionnaire – Survey Questions

1. Are you: [select 1]
 - A planning agent
 - A member of the public / home owner
2. How many times have you used the B&NES PDQ service in the last 2 years? [select 1]
 - None
 - Once
 - 2-5
 - More than 5
3. What was your most recent PDQ in relation to? [select 1]
 - Dropped Kerb
 - Domestic extension / conversion
 - Other
4. What did you think of the service? [Free text]
5. Do you use any of the following ways to try to find out about PD? [select 1]
 - The B&NES website
 - The Planning Portal Website
 - I already know about PD
 - Other website
6. Please provide feedback about any method(s) you used? [Free text]
7. Were you aware that there is a statutory application called a Certificate of Lawful Use Proposed (CLPU) which performs a similar function to a PDQ? Y/N
8. Are you aware of all these differences between PDQ and CLPU? [select 1]
 - Yes
 - No
 - Some

Permitted Development Questionnaire	Certificate of Lawful Use Proposed
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9. How does knowing these differences change your opinion of using the CLPU? [Free text]
10. If the PDQ process is kept, the price will have to rise to cover the cost of delivery. What is the maximum price you would pay for a PDQ? [select 1]
 - £57
 - £65
 - £85
 - £105

Note: CLPU is terminology agents would understand and is the same as an LDC, referenced in the report