
Environment Directorate | Planning

How to comment on a planning application

This information note aims to advise those people interested in planning applications on how their views may be sought, given and used in the decision making process.

Flintshire County Council's Planning Service strives to make the best decision when considering each application. Each application is considered on its merits and the decision is made in accordance with the Development Plan for the County and National planning policies unless material considerations indicate otherwise.

Who is notified on a planning application?

The Planning Service follows Government guidance on how it publicises details about planning applications (i.e. consultation and publicity).

When a planning application is submitted people living or occupying a property next door to an application site will usually receive a letter:

- ▶ advising them of the nature of the planning application;
- ▶ giving details of where the application can be seen;
- ▶ the name and direct telephone number of the officer dealing with the application;
- ▶ the address to write to with any comments you may have, and
- ▶ the date by which any comments should be made.

A site notice may be displayed as an alternative or in addition on or near the site giving similar information about the application.

In addition, planning applications for major developments and other types of development such as those affecting a listed building or conservation area or where a public right of way is affected will also be advertised in a local newspaper (Flintshire Leader). We also notify local County Councillors, the relevant Community Council or Town Councils, other Council departments and a large number of other bodies and external agencies such as the Environment Agency and Welsh Water as necessary.

How do I inspect or view an application?

Try and view the submitted plans and forms before you comment on an application. You can either visit us to view the plans, or view application details, documents and plans on our website using the Planning Applications Database.

If the application has been made by your neighbour, you may be happy to ask them to explain the proposals to you. If you don't understand any part of the proposal, please contact us.

Our staff will be happy to help, but if you need to discuss your interest in a planning application in detail it is always better to make a prior appointment with the officer dealing with the application. Simple queries, however, can often be dealt with by phone.

Photocopies of planning applications can be purchased from the reception at Ty Dewi Sant, St David's Park, Ewloe, CH5 3FF

Who can comment?

You do not need to have received a letter from us or even live near the application site to comment. Anyone can send us their comments, whether objecting to, or in favour of a proposal.

It is essential that you quote the reference number and name of the officer dealing with the application if you know this. We can only take into consideration comments made in writing.

What issues or concerns can I raise?

The issues you raise must involve planning matters such as:

- ▶ Impact on residential amenity (e.g. hours of use, loss of privacy, loss of light, over dominance, noise, traffic)
- ▶ Impact on the character and appearance of an area (design, appearance and intensity)
- ▶ Impact on highway safety (e.g. poor visibility, pedestrian safety, parking)
- ▶ Impact on community facilities
- ▶ Planning policies and proposals, or Government planning advice.

We cannot take into account comments on the following types of concerns:

- ▶ Personal characteristics of the applicant
- ▶ The effect of the proposal on property values
- ▶ Disturbances during building work
- ▶ Loss of view
- ▶ Private rights of way, private drains and other private easements and legal covenants
- ▶ Disputes over land ownership
- ▶ Commercial competition
- ▶ Building Regulation issues (e.g. structural stability, drainage, fire precautions, hygiene and internal space).

How long do I have to comment?

The letter sent to you and the site notice normally state that you should make your comments within 21 days. If you are unsure about the expiry date for comments please contact us or visit our website. Although we cannot guarantee that comments received after that date will be considered we try to take account of any written comments we receive up to the date the decision is made.

How do I comment?

If you want to comment on a current planning application, you can do so in one of three ways:

1. Online form:

You can submit your comments on-line by finding the application on the Planning Applications Database on our website, then clicking on the comment facility.
www.flintshire.gov.uk/planningapplicationsdatabase

2. By post:

Send your letter to: Planning, County Hall, Mold, Flintshire, CH7 6NF.

You must include the following information in your letter. Failure to do so may result in your comments not being taken into account.

- ▶ Site address of application
- ▶ Description of proposal
- ▶ Application number (if known)
- ▶ Your name
- ▶ Your address
- ▶ Your comments about the proposal

The inclusion of your telephone number is not a mandatory requirement, however, should a Planning Officer wish to contact you it would be useful.

3.Data Protection

Please note that legally we must allow the public to see any comments we receive about planning applications. This means that we cannot treat any comments as confidential.

What will happen to my comment?

Please be assured that all relevant planning considerations raised will be fully taken into account, although replies to individual concerns are not normally possible due to the large numbers we receive throughout the year.

Who makes the decision on a planning application?

Separate guidance notes are available explaining how a planning application is processed and what happens if it goes to the Planning Committee. ([How we deal with a planning application](#))

The fact that someone objects to an application does not mean it automatically goes to Committee. The Agenda for the Planning Committee and the Officer's reports are available to be read at the main reception 3 days before the meeting.

Requesting to speak at Committee

Anyone who has made written comments can request to speak at Committee but we can only allow one person to speak for and another against the proposal.

[Speaking at Planning and Development Control Committee](#) (This leaflet explains the procedure for applicants/agents, supporters, objectors and Town/Community Councils to speak at the Planning & Development Control Committee.)

What happens after a decision has been made?

In all cases if you have commented on a planning application we will notify you of the final decision. You can also request a copy of the Decision Notice for which a charge will be made. If the applicant is unhappy about conditions imposed or refusal of permission they may wish to appeal against the decision. We will write to you if an appeal is submitted to enable you to make further comments.

Once a development is underway if you have concerns that it is not being built in accordance with the approved plans or the conditions have not been followed, you should contact the Enforcement Service so they can check the situation and get back to you.

If the application is refused can the applicant appeal?

Yes, to the Planning Inspectorate at the Welsh Assembly Government within 6 months of the date of the decision. We will forward copies of any written comments we receive to the Planning Inspectorate if an appeal is made. We will also notify people who have written to us with their comments explaining their rights as part of the appeal process.

What are my rights if permission is granted?

Objectors and third parties have no right of appeal against the grant of planning permission except, in exceptional cases, on legal grounds through the Courts and you would need to consult a solicitor on this matter.

A common issue relates to individuals private rights such as a right of way / a covenant on the land/ their boundary/ devaluation of property. The Council cannot take such matters into account when deciding an application or become involved in resolving such legal disputes. These are private or civil matters and granting planning or building regulation permission will not override your (or your neighbour's) legal rights in this respect.

If planning permission has been granted to your neighbour, for instance, you may still be able to take your own legal action to defend any private rights you or your property may have. You should consult a solicitor or your local Citizens Advice Bureau if you think that your private rights will be affected.

If your neighbour or any of the people employed to do work need to go on your property, they should, of course, obtain your consent before doing so.

If the development affects or is near to a neighbour's house/premises, the developer may need to notify them of the proposed works under the Party Wall Act 1996. This Act provides a framework for preventing and resolving disputes in relation to party walls, boundary walls and excavations near neighbouring buildings.

Right to light

Your right to light is protected in England and Wales under common law, adverse possession or by the Prescription Act 1832. If a new building (or changes to an existing one) limits the amount of light coming in through a window and the level of light inside falls below the accepted level, then this constitutes an obstruction. Unless you waive your rights you may be entitled to take legal action against your neighbour. However, this right to light across other land must have been formally registered and been in existence for many years prior to the development taking place.

Further information & contact details

Visit our website at: www.flintshire.gov.uk/planning

Email: environmentreception@flintshire.gov.uk

Visit us at: Ty Dewi Sant, St David's Park, Ewloe, CH5 3FF

(If you have received a letter from us please ring the direct line telephone number quoted and ask to speak to the Officer whose name appears on the top right of the letter)

Development proposals - Email: planningdc@flintshire.gov.uk

Enforcement - Email: planningenforcement@flintshire.gov.uk

Write: Head of Planning, County Hall, Mold, Flintshire, CH7 6NF