

Head of Service: Adrian Duffield



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Ref: PE/V0259/18

Planning

Dear Mr Mellor,

Planning application P18/V2791/O by Lioncourt Strategic Land Ltd Land East of Kingston Bagpuize, Fyfield

Thank you for your correspondence dated 21 November 2018 regarding the above planning application.

Whilst I understand your concern, the local planning authority (LPA) has no control over the timing of application submissions and is duty bound to assess proposals on their merits once submitted. This includes the process of inviting comments through a consultation period.

Government advice states that once a planning application has been validated, the LPA should make a decision on the proposal as quickly as possible, and in any event within the statutory time limit, unless a longer period is agreed in writing with the applicant.

The statutory time limit for this application is 16 weeks and an extension of time has not been agreed with the applicant. If the LPA does not determine the application within that timeframe, the applicant would have the right to appeal against non-determination and a planning inspector appointed on behalf of the Secretary of State, who would then decide the matter.

Similarly, where the LPA does not progress an application in accordance with statutory legislation, this would lead to unreasonable behaviour where the applicant may receive costs in connection with a non-determination appeal. The LPA is, therefore, unable to pause the consultation period or processing of this application.

I should also point out that if an application remains undetermined after 26 weeks, without a time extension, then the fee paid by the applicant will be refunded to them under the planning guarantee.

It is imperative therefore, that notwithstanding the outcome of the Local Plan Part 2 process, your council engages with the planning application process now to ensure

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its concerns are assessed and taken into consideration. If the parish council makes no response, it will be implied it has no objection to the proposal.

I trust this advice is helpful and the council looks forward to receiving your comments on the application in due course.

Yours sincerely,

Roger Cox

