

Departure procedure on planning applications

Stage 1

1. During the registration of a planning application, or as soon as possible thereafter, the head of planning will identify whether the proposals constitute a departure from the development plan that needs to be publicised by the display of a site notice and advertisement in a local newspaper. The County Council will be consulted in accordance with the agreed code of conduct.

Stage 2

2. Unless the application is determined in accordance with the powers delegated to officers, the application will be reported to the Planning Committee. If the application is recommended for approval, the report will identify that the proposal has been advertised as a departure from the development plan. If the application is recommended for refusal, the report will contain the recommended reasons for refusal, including reference to any planning policies with which the proposal is considered to conflict.

Stage 3

3. The head of planning will advise whether the application is to be referred to the Secretary of State for the Environment in accordance with legislation.
4. If the Planning Committee resolves to grant planning permission, including any appropriate conditions and/or planning obligation, subject to the Secretary of State deciding not to intervene, and if the Secretary of State subsequently does not intervene, the application will be determined in accordance with the Planning Committee's resolution.

Judicial Review

5. If the council can be shown to have not followed the correct procedures in determining an application or to have taken into account irrelevant considerations, the court may quash the decision. The claimant's costs would normally be awarded against the council.