

BOLSOVER DISTRICT COUNCIL

MEETING OF THE PLANNING COMMITTEE ON 11TH JUNE 2025

OUTCOME OF THE PUBLIC CONSULTATION ON THE PROPOSED IMPLEMENTATION OF A PRE-APPLICATION (PLANNING) ADVICE CHARGING SCHEDULE / SERVICE; AND RECOMMENDATION TO COUNCIL ON THE ADOPTION AND INTRODUCTION OF A CHARGING SCHEDULE FOR PRE-APPLICATION (PLANNING) ADVICE.

REPORT OF THE ASSISTANT DIRECTOR: PLANNING & PLANNING POLICY

Classification	This report is Public
Contact Officer	Sarah Kay Assistant Director of Planning & Planning Policy

PURPOSE/SUMMARY OF REPORT

To report the outcome of the 4 week public consultation exercise on the proposed introduction of a Pre-Application (Planning) Charging Schedule / Service.

To resolve Planning Committee's final recommendation whether to recommend to Council the adoption and introduction of a charging schedule for pre-application (planning) advice.

REPORT DETAILS

1. Background

- 1.1 On the 16th April 2025 Planning Committee received a report from the Assistant Director of Planning & Planning Policy seeking approval to open a public consultation exercise on the proposed introduction of a pre-application (planning) charging schedule / service. Accompanying that report (appendix 1) and the public consultation that subsequently followed was a draft schedule of charges (appendix 1).
- 1.2 The public consultation exercise undertaken ran for 4 weeks from Tues 22nd April 2025 – Wed 21st May 2025. It included targeted emails being sent to stakeholders and agents operating in the area, and those registered on our local plan database. The consultation was also promoted on the Council's website, and a Member drop in session was organised on Wed 7th May 2025 1pm-5pm. The consultation documentation was also distributed to the Council's local contact centres.

2. Outcome of public consultation

- 2.1 As a result of the public consultation exercise 11 no. representations were received, which are summarised in table 1 below:

Table 1: Summary of representations from public consultation

<p>1. J Clayton 22/04/2025</p>	<p>Where does dropped kerbs come into it? I personally have filled in a lot of pre-application regarding dropped kerbs.</p> <p>A lot of the time we have people emailing in and asking for a decision notice on whether planning permission is needed or not.</p> <p>I think that it needs to be made clear from the start of the process i.e. on a pre-application enquiry form that we are a separate body from Derbyshire County Council Highway Authority as I feel that people who are unaware how a council operates will feel as though it is our responsibility to contact the Highways Authority as they are paying for a service.</p> <p>I also feel as though this is the same with any other department i.e. Housing as if the kerb is owned by the Council, then they also require permission from Housing, again if we are charging I believe they will feel as though it is our responsibility to contact Housing as they are paying. Where it states 'More complicated enquiries may require additional meetings, which will be charged at £150 per additional meeting, I personally think we could charge more and have a tiered system, where we charge based on the most senior person that is in the meeting.</p> <p>For example, Principal Planning Officer - £150.00, Planning Manager – £175.00, Director – £200.00 a lot of private firms operate on a policy like this.</p> <p>Perhaps maybe a timeframe could be put on it as well there is a big difference between a meeting that may only last an hour, to one that may go on for three, with commuting we could be charging only £150.00 for over half a day's work.</p>
<p>2. M Coupe 22/04/2025</p>	<p>I would object to the imposition of pre-application fees.</p> <p>As a former Development Control Planner, I know from experience that giving pre-application advice is helpful not only to the applicant, but also to planning assistants. Apart from painting a good impression of the Council, it saves time when an application is submitted. With the more involved planning applications, if the applicant knows from</p>

	<p>the start what is expected of him/her, it saves much to-ing and fro-ing when an application is submitted blind.</p> <p>Planning legislation is not easy to understand by the general public and it is unreasonable for them to be expected to do so. Take for example the erection of a front porch. It takes only seconds to explain what can be built without Planning Permission. If I wanted to erect a porch, I would be mortified if I was asked to pay £20 before you would tell me the answer. Council staff are there to advise free of charge and they are trained to be able to do so. They know the answers. The man in the street doesn't.</p> <p>The planning function is already charged for in the Council Tax. To ask for further fees is a double charge on the planning function, especially if you are a resident of Bolsover District. There may be a case if an application is submitted by an agent, but that is the choice of the applicant.</p> <p>Once upon a time, Planning Applications could be submitted free of charge. The introduction of fees was required by Central Government. Pre-application advice is the decision of the Local Planning Authority, not Central Government. That's the difference.</p> <p>This is nothing to do with providing a good service. Its all about raising more revenue. Think again Bolsover. I hope you will do just that before the final decision is made, and I hope this consultation is not just a paper exercise just to give the impression of a democratic consultation.</p> <p>I look forward to sensibility prevailing on this subject.</p>
<p>3. Historic England</p> <p>22/04/2025</p>	<p>Thank you for your email in relation to the proposed charges for pre-application advice.</p> <p>I can confirm Historic England has no comments to make on the proposed schedule.</p>
<p>4. Whitwell Bowls Club</p> <p>22/04/2025</p>	<p>Should we require pre-application advice for a development on our rented facility we would expect to pay for this service either from a planning advisor or advisory company or from the local authority Planning Department.</p>
<p>5. Nottingham & Nottinghamshire ICB</p> <p>23/04/2025</p>	<p>Thank you for consulting with the Nottingham and Nottinghamshire ICB.</p> <p>Please be advised we have no comment to make on the pre-application (planning) advice charging schedule/service.</p>

<p>6. Bolsover Community Safety</p> <p>23/04/2025</p>	<p>Ack. and referred to another colleague to respond.</p>
<p>7. Cllr C Wood</p> <p>24/04/2025</p>	<p>I am in favour of the fees proposed for the grey shaded items 6-15 but not for any fees for the other line items before and after these numbers, for private householders.</p>
<p>8. Cllr D Watson</p> <p>25/04/2025</p>	<p>Of course I look forward to a further debate in Planning Committee around the proposals for pre app advice, but for now please find attached my response to the consultation both as a Councillor and as a resident of the District of Bolsover.</p> <ol style="list-style-type: none"> 1. Charging residents for the answer to a reasonably straightforward question of whether or not they need planning permission seems rather ludicrous to me. I think people will simply opt for the assumption that they don't need it and test whether or not anyone finds out! This could ultimately end up creating more work in enforcing retrospective applications! Also adding into the mix the fact that it would no doubt take longer to administer the payment charges than to answer the question, again I feel it would be a somewhat pointless exercise. 2. In light of the recent doubling of the charges for householder planning applications, I feel it is an unfair and unnecessary expense to inflict upon our residents. Anyone planning an extension or refurbishment to their property will be incurring high expenditures anyway and also are unlikely to be a cost burden to this Council in terms of their housing needs! 3. The cost of housing in this District is low, meaning that any developers considering building here will be able to create much less profit than in other areas. As a Council we are endeavouring to encourage house building and economic growth and therefore the introduction of such a charge may have a detrimental effect on these plans. 4. The planning department at Bolsover District Council has an extremely good reputation, but I believe that the introduction of charges may lead to an inferior quality of applications being submitted, (as many people will not want to pay), which would ultimately incur further officer time in dealing with them. The result of this would be twofold, that some of the revenue from the charges would be eaten up an increase in the officer time to deal with applications, and subsequently this would have a detrimental effect upon the good reputation our planning department currently has!

	<p>5. Just because other local authorities charge for this service is not a reason for us to introduce it. In fact exactly the opposite - we should be rightly proud of standing out from the crowd and providing this service free of charge!</p> <p>6. In view of the proposed Local Government Reorganisation and the inevitable disappearance of Bolsover District Council, I fail utterly to see how we can warrant adding further charges to our residents to prop up a budget which ultimately may well be swallowed up by a new authority and those funds likely spent elsewhere!</p>
<p>9. BDC Conservation Officer 08/05/2025</p>	<p>Householder applications Properties covered by Article 4 Direction – we have a lot of residential properties covered by Article 4 Directions including Creswell Model Village. Originally, when the Article 4's were designated, there was no charge for submitting an application required by virtue of the Article 4 but now they are subject to full householder planning application fees. We get a lot of applications requesting advice on whether permission is required for minor items such as replacement windows / doors etc. I think it is probably excessive to request payment for pre-app on these types of enquiries. One option would be excluding properties covered by Article 4 from the fee requirement or we could signpost applicants to the website and prepare a number of FAQ's and standard answers. We will need to ensure that the website is up to date, and the Article 4 Plans are on the website.</p> <p>The other category of enquiries (similar to Article 4's) relates to situations where we have removed permitted development rights for certain types of work by condition on a planning permission.</p> <p>Listed building advice – In principle, I have no objection to charging for pre-app for this advice, but I feel that sometimes it is mutually beneficial to work with applicants at pre-app stage to provide guidance and advice and I fear that the introduction of charges may discourage some applicants from engaging (resulting in more work at application stage). There also tends to be a lot of ongoing discussions with listed buildings (does this mean that we charge each time we offer advice?). We also get a lot of general enquiries from private owners of properties at New Bolsover where a charge for advice may be excessive and again discourage engagement.</p> <p>I have no objections to the charges outlined in sections 5 – 17A</p>

	Other departments – I assume that we will not be charging for pre-app advice from other Council departments / Dragonfly just external applicants.
10. Blackwell Parish Council 19/05/2025	I am getting in touch on behalf of Blackwell Parish Council regarding Pre-Planning Application Advice. The council expressed concern that being charged to get in touch with basic questions about a planning application (particularly from residents), might put people off making that initial contact which may in turn cause more issues further into an application.
11. Scarcliffe Parish Council 19/05/2025	Scarcliffe Parish Council recognises the need to ensure the best use of officers' time in supporting the planning process. Councillors are concerned that if applicants are discouraged from seeking the advice of officers at an early stage in developing plans, there will be delays and extra work further on in applications due to more revisions being required. We believe that the quality of submitted planning applications will decline. The scheme may possibly be applicable to well-funded commercial applications, but is likely to reduce the quality of service and support for small-scale local applicants. In conclusion we oppose pre-planning charges to individuals on single property applications.

- 2.2 Despite a low level of engagement in the public consultation exercise overall, it is clear from the comments that have been received that the proposals have generated a balance of opinion.
- 2.3 In analysing the comments that have been received the most outstanding contribution theme is opposition to the introduction of a fee for householder / domestic types of planning enquiry (contributors 1, 2, 7, 8, 9, 10 and 11 – table 1). Further themes arising relate to challenges levying a fee for areas affected by article 4's (which will be predominantly householder / domestic types properties) and properties that are listed buildings (contributor 9 – table 1), and smaller scale commercial / single properties (contributors 6 and 11 – table 1). Three neutral contributors were noted (3, 5 and 6 – table 1), and two overall supporting contributors were also noted (1 and 4 – table 1).
- 2.4 Taking the consultation feedback into account, the volume of simple domestic / householder enquiries received over the past 5 years was on average a total of 39.7% of enquiries per annum. Discounting the volume of basic enquiries received (17.7% per annum), there would still be 42.6% of all pre-application enquiries received each year captured by the other development types set out in the draft schedule.

2.5 There is clear inclination from the feedback received that council tax payers (existing domestic householders) could perceive the levy of a pre-application fee to be them paying twice for their council services. In a more general sense the feedback acknowledges that developers of more larger scale proposals (new dwellings) or commercial enquiries would accept the need to pay for such advice.

3. Recommendation

3.1 There is clear justification for the council considering the introduction of pre-application (planning) fees across the entire development spectrum, and simply because the council have never charged before that does not mean things should not change. In a challenging economic climate, the council must explore alternatives to maintain the level of services they are able to provide, and cost recovery of discretionary services is one of those avenues.

3.2 As it currently stands the planning department is fully resourced and able to offer a well-used and well-respected discretionary service without detriment to delivery of statutory planning services, however it is well known that there is a national resourcing crisis that could affect the planning service in the future. On that basis future proofing the service should be considered.

3.3 A balanced recommendation arising from the initial market research and outcome of the public consultation exercise is that a charge is introduced for the pre-application (planning) service but that charge will exclude the development types affecting householder / domestic properties. Such services would remain free of charge to those service users.

3.4 A revised draft of the Pre-Application (Planning) Charging Schedule / Service guidance note has been prepared to this effect and it attached at appendix 2.

4. Reasons for Recommendation

4.1 The recommendation seeks to introduce a Pre-Application (Planning) Charging Schedule / Service, as per the revised draft advice note for all development types excluding householder / domestic proposals. Planning Committee ratification is sought to ensure full scrutiny of the proposed changes to discretionary service delivery, in advance of a Full Council decision.

5. Alternative Options and Reasons for Rejection

5.1 An alternative option for the Planning Committee / Council would be to not progress the introduction of charges for access to pre-application (planning) advice, and continue to offer the service free of charge at a continued cost to the Council. This could disadvantage the Council as it continues to subsidise the service, without recovering the service cost provision.

RECOMMENDATION(S)

1. To note the outcome of the public consultation exercise undertaken on the proposed introduction of a pre-application (planning) advice charging schedule.
2. To agree to the proposed amendment to the draft pre-application (planning) advice charging schedule / service to exclude householder / domestic developments.
3. To recommend to Full Council that the draft pre-application (planning) advice charging schedule / service be accepted, with targeted implementation on the 1st September 2025.

Approved by Councillor Tom Munro, Portfolio Holder for Growth

IMPLICATIONS:

<u>Finance and Risk</u>		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Details: The provision of a structured discretionary service will ensure that the demands placed upon the Planning Service by service users can be adequately resourced, and the costs of providing the service are recovered through individual service users rather than by the Council as a whole.</p>		
On behalf of the Section 151 Officer		
<u>Legal (including Data Protection)</u>		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Details: There are no specific legal implications arising from this report, however the Planning Service will need to have regard to service standards / customer expectations when receiving payment for a discretionary service. The draft Pre-Application (Planning) Charging Schedule / Service will set out targeted response times for specific enquiries. Service users will also be made aware that any planning advice accessed through this service will be offered on a without prejudice basis.</p>		
On behalf of the Solicitor to the Council		
<u>Staffing</u>		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<p>Details: There are no specific staffing matters arising from this report. The current provision of the discretionary service free of charge is absorbed by existing staff within the Planning Service and there are no staffing changes proposed as a result of these recommendations. Additional income generated from the proposed charging Schedule may allow for additional resource to be appointed in the future to meet arising demands.</p>		
On behalf of the Head of Paid Service		
<u>Equality and Diversity Impact and Consultation</u>		
	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

Details: The public consultation and draft Schedule will be subject to an associated Equality Impact Assessment.

On behalf of the Information, Engagement and Performance Manager

Environment Yes No

Please identify (if applicable) how this proposal/report will help the Authority meet its carbon neutral target or enhance the environment.

Details: There are no environmental implications.

DECISION INFORMATION:

Please indicate which threshold applies:

Is the decision a Key Decision?

A Key Decision is an Executive decision which has a significant impact on two or more wards in the District or which results in income or expenditure to the Council above the following thresholds:

Yes No

Revenue (a) Results in the Council making Revenue Savings of £75,000 or more or **(b)** Results in the Council incurring Revenue Expenditure of £75,000 or more.

(a) (b)

Capital (a) Results in the Council making Capital Income of £150,000 or more or **(b)** Results in the Council incurring Capital Expenditure of £150,000 or more.

(a) (b)

District Wards Significantly Affected:

(to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District)

All

Is the decision subject to Call-In?

(Only Key Decisions are subject to Call-In)

Yes No

If No, is the call-in period to be waived in respect of the decision(s) proposed within this report? ***(decisions may only be classified as exempt from call-in with the agreement of the Monitoring Officer)***

Yes No

Consultation carried out:

(this is any consultation carried out prior to the report being presented for approval)

Yes No

Leader Deputy Leader Executive SLT
 Relevant Service Manager Members Public
 Other

Links to Council Ambition: Customers, Economy, Environment, Housing

Customers, Economy, Environment, and Housing:
The provision of a structured and resourced discretionary service which is reactionary to arising demands of the service user whilst supporting our economy, environment, and housing.

DOCUMENT INFORMATION:

Appendix No	Title
1	Planning Committee Report 16 th April 2025 – inc. DRAFT note.
2	Pre-Application (Planning) Advice Note inc. draft Charging Schedule 2025/26 – REVISED DRAFT

Background Papers

N/A