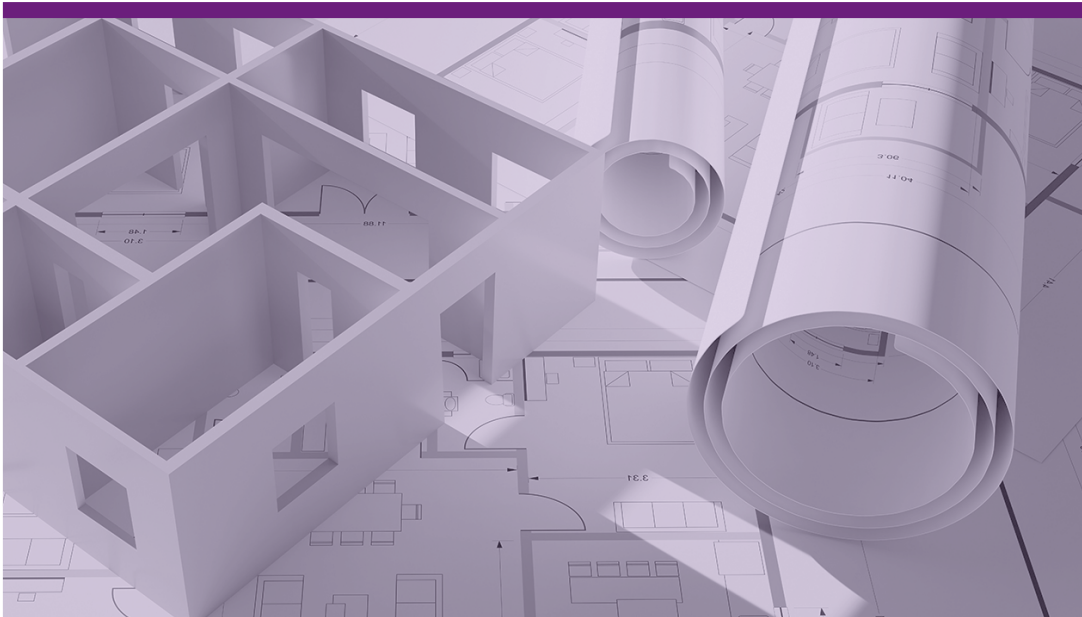


Planning application guidance

- an approach to negotiating
live applications



“Fenland District Council is committed to delivering a fair, transparent, and efficient Development Management service. We recognise the importance of working constructively with developers and agents to ensure that planning applications are determined in a timely and consistent manner, particularly when they align with the Development Plan.

Negotiation plays a crucial role in shaping developments that not only meet policy requirements but also enhance our communities. Many of the applications we approve benefit from a collaborative approach between applicants and officers, ensuring the best possible outcomes for the residents of Fenland.

This document sets out clear guidance on where the Development Management Team will seek to negotiate and where applications will be progressed as submitted. By providing clarity on our processes, we aim to support all those involved in the planning system while upholding the high standards of service that our residents and businesses expect.”



Cllr Dee Laws
Portfolio Holder,
Planning and Flooding

Negotiating a Planning Application

As a Council, we strongly encourage discussions before you submit a planning application. Our pre-application advice service is an invaluable tool in this regard, offering early guidance that can provide greater certainty and help resolve potential issues upfront. By engaging with this service, applicants can often benefit from quicker decisions and a more streamlined application process. Given the high demands on our officers' time, we are unable to provide substantial advice outside of this structured process. Further information about this service can be found on the pre-application advice page on the Council's website.

An integral part of the planning case officer's role is to assess the acceptability of a planning application. After carefully considering all relevant factors, the officer may determine that a proposal is unacceptable. In such cases, a further professional judgment is made on whether negotiations could potentially make the scheme acceptable. This decision depends on several considerations, primarily the relevant planning policies and the extent of changes required to bring the proposal in line with them.

Planning applications typically fall into one of the following four categories:

Category A - The scheme is approved without negotiation, as it was acceptable as submitted.

Category B - The scheme is unacceptable as submitted but requires only minor amendments to make it acceptable.

These changes are so minor that they would not necessitate re-consultation or delay the determination of the application within the statutory timeframe.

Where only relatively minor amendments are needed to make a scheme acceptable, our presumption is to enter into negotiations with the applicant to secure the necessary changes before making a decision. The question of whether proposed amendments qualify as 'minor' is addressed as follows:

How we assess if a scheme needs only minor amendments

We ask two fundamental questions to determine whether minor amendments are feasible:

1. Would the amendment materially alter the application?
If the answer is yes, a fresh application will be required, and amended plans cannot be accepted.
2. Would the amendment require re-consultation with the town or parish Council or neighbours? If the answer is yes, a fresh application will be required, and amended plans cannot be accepted. Officers will assess this on a case-by-case basis, and if re-consultation is deemed necessary, amended plans will not be accepted.

By adhering to these principles, we aim to strike a balance between supporting applicants in achieving their development goals and maintaining a fair, consistent, and policy-driven approach to planning decisions. This process reflects our commitment to ensuring that Fenland remains a great place to live, work, and invest.

Whether proposed amendments constitute a material alteration and/or require re-consultation is determined by the planning case officer. This decision is influenced by the nature and scale of the amendments, as well as any third-party comments received. Only a single amended set of plans will be accepted to address issues raised by officers in such cases.

Examples of amendments that will not be accepted

The following are common situations where amendments are unlikely to be accepted:

- Significant changes to the character or appearance of the development, such as:
- Design changes that materially impact neighbours or the public realm, either individually or cumulatively.
 - Significant alterations to the application site boundary or red line.
 - Major changes to the site layout.
 - Increases in the footprint or scale of a proposed building or extension.

- Material changes to the description of the development.
- The addition of new elements to the original proposal that would require re-consultation, such as:
 - Additional extensions.
 - New openings facing neighbouring properties.
 - Submission of new supporting information, such as traffic impact assessments or survey work (e.g., ecological surveys).

Category C - Amendments to address consultee objections

Some applications are deemed unacceptable as submitted but may only require minor amendments or further information to resolve specific objections raised by consultees. These changes must be limited to addressing the consultee's concerns and must not necessitate re-consultation with other parties. In such cases, an extension of time must be agreed between the applicant and the Council to accommodate the necessary process. Without this agreement, the application will be determined as originally submitted.

Negotiations to address consultee concerns

Where amendments are proposed to resolve issues raised by consultees, the following questions will guide whether they are acceptable:

1. Can the amendment or additional information be provided within the statutory determination period (or a sensibly agreed extension of time)?
 - If no, the amendments or additional information will not be accepted.
2. Can the consultee provide comments on the amendment or additional information within the statutory timeframe (or agreed extension)?
 - If no, the amendments or additional information will not be accepted.
3. Will the amendments necessitate re-consultation with anyone other than the consultee?
 - If yes, amendments or additional information will only be accepted at the discretion of the case officer or other planning service officers.

Category D - Refusal without negotiation

Applications that are fundamentally unacceptable as submitted will be refused without negotiation. For example, if a proposal is clearly contrary to planning policy or is significantly substandard in multiple respects, the application will be determined without further discussion. In such cases, the reasons for refusal will clearly outline the issues, enabling applicants or agents to address these in a re-submitted application or pursue an appeal. Please note that no prior warning will be given before progressing such applications to a decision.

Making amendments to your application

If a case officer invites you to amend your application, they will set a deadline for submitting revised plans and any supporting information. Failure to meet this deadline will result in the application being determined as submitted.

- Amendments submitted after the deadline will not be accepted.
- The timeframe for submitting amendments may vary depending on the case officer's workload and priorities. In some cases, the timeframe may be short, but the Council will strive to notify applicants of the need for amendments as early as possible.

It is important to note that only one round of negotiation and, where necessary, re-consultation will be undertaken per application. Applicants and agents should avoid submitting amended plans unless specifically invited to do so by the case officer. Unsolicited amendments will only be accepted at the discretion of the case officer.

Exceptional circumstances

This guidance cannot anticipate every possible scenario. In exceptional cases, deviations from this approach may be permitted at the discretion of the relevant Senior Planning Officer.

This framework ensures a fair, consistent, and transparent approach to managing amendments while upholding the Council's commitment to effective and timely decision-making.

It is more likely that your application will fall into Category A if you engage in the Council's pre-application advice process, details of which you can find here: [Planning pre-application service - Fenland District Council](#).



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