



Pre-application Advice Notes and Fees (April 2025)

Introduction

The Development Management Team at Hyndburn seek to take a positive approach to decision-making to foster the delivery of sustainable development. In doing so, officers will work proactively with developers, agents and individuals and approve planning applications for sustainable development that comply with the policies of the development plan.

The provision of pre-application advice is a key part of this process, allowing potential issues to be identified and addressed before the submission of a formal planning application. This helps to ensure that planning applications are determined without delay and within the required timescales, increasing certainty for applicants and developers. The provision of pre-application advice can also help to reduce the number of planning applications that are refused or subject to appeal, therefore making better use of the applicant's time and resources as well as the time of planning officers at the Council.

The Council recognise that there are often significant costs and investment associated with development proposals and the provision of good pre-application advice can help reduce these costs at a later stage.

The charging scheme seeks to recover a proportion of the costs associated with the time that officers spend on the proposal. Generally speaking, larger and more complex proposals require more senior level advice and more time in responding to the enquiry. This is why the charges differ.

What needs to be submitted for pre-application enquiries?

The level of detail provide by officers in their advice will largely depend on the information submitted with the application. The more information provided, the greater the level of detail that can be provided in the advice given. As a minimum, applicants should submit the following alongside the pre-application form:

- Site Location Plan at an appropriate scale (usually 1:1250 or 1:2500). The boundary of the site should be outlined in red, and any other land owned or controlled by the applicant shown in blue;
- Details of current use(s);
- Draft design and access statement/planning justification;
- Photographs and/or sketch drawings of site and surroundings;
- Draft/sketch drawings showing height and scale of development (in metres/cms)
- Draft/sketch drawings showing layout of development.

It is particularly important to include accurate dimensions/measurements for householder applications to enable officers to assess whether the proposals constitute permitted development.

The information must be submitted in electronic form via email. If information is submitted by e-mail, applicants should note that documents in excess of 10Mb may not be delivered. In the event that documents are larger than this it may be necessary to email them in a compressed form or using a file transfer service. When all the appropriate information is submitted, you will be contacted within 14 working days of receiving the application to confirm receipt of the pre-application advice enquiry.

How should the fee be paid?

In order for officers to assess the pre-application proposal and consult interested parties there is a requirement to include the pre-application fee with the pre-application forms and accompanying information.

Fees can be paid by card by telephoning the Contact Centre 01254 380155 between 9:00am to 5:00pm or by cheque which should be made payable to Hyndburn Borough Council. Planning officers will not commence work until the fee has been received.

The Scope of the Advice

When a valid application for pre-application advice has been received, a planning officer will be nominated as case officer and the following will be undertaken:

- The site history will be checked;
- A site visit will normally be undertaken;
- Site constraints will be checked – for example Coal Authority advice, Flood Risk areas, Conservation Areas and ecological designations;
- Identify and assess the proposed development against relevant Council policies and standards;
- For major developments, arrange and attend the meeting with the applicant and agent;

- Undertake consultations with the Council's Tree Officer, Ecology Officer and Conservation Officer where appropriate.

Within 35 working days, the Case Officer will provide a detailed written response in the context of the plans provided and meeting discussions. If consultation responses are received after the response has been sent they will be forwarded to the applicant/agent.

If the applicant has used an agent, officers will liaise and correspond with the agent. If not, officers will correspond and liaise with the applicant.

The written response will make it clear that any views or opinions expressed are given in good faith, without prejudice to the formal consideration of any planning application, and it shall also be made clear that subsequent alterations to local and national planning policies might affect the advice given and may affect the consideration of any applications, particularly if applications are submitted some length of time after pre-application discussions take place.

Meetings will be held via electronic means (Teams/Zoom), on site or at Scaitcliffe House in a private meeting room. Any request for specialist advice should be confirmed at the time the meeting is arranged and subject to their availability the necessary officers will be asked to attend.

Unfortunately, Lancashire County Council (the Highway Authority) does not respond to pre-application enquiries from Hyndburn Borough Council. Whilst officers at Hyndburn are able to provide advice in relation to the Council's Adopted car-Parking and Access Standards, officers are not in a position to comment on matters such as highway safety, the design of roads / junctions or sustainable transport matters.

Lancashire County Council Highways has its own pre-application advice service and it is recommended that applicants and/or agents contact LCC directly. <https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-highways-advice-service/>.

Lancashire County Council, as Lead Local Flood Authority (LLFA), also provides a paid for pre-application advice service for surface water flood risk and sustainable drainage systems. Copies of the LLFA's pre-application form, checklist and guidance notes can found online via the following link:

<https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-flood-risk-and-land-drainage-advice-service/>.

For agricultural proposals in countryside and Green Belt locations there will be a requirement (depending on the case) to assess whether such proposals are reasonably necessary for agricultural purposes, whether such proposals meet functional or financial "tests", siting and appropriateness of design. There will be a requirement to look into the existing farm

enterprise including the size of the agricultural unit, numbers of animals, ownership etc. Lancashire County Council no longer provides advice in relation to agricultural proposals, therefore, in cases where an agricultural justification is required it will be necessary for the applicant to commission an appropriately qualified consultant to undertake this work and submit it alongside the application.

Categories of Pre-application Advice

There are a number of categories of development identified in the charging schedule:

1. Significant Major Development

This represents the largest scale of development and has the potential to raise a large range of issues that will need to be addressed. The service offered includes a meeting with the applicant and their agent(s) or representatives and, if required, a presentation to elected councillors at an appropriate time. The Council may also require formal 'design review' of the proposals to be undertaken in line with Policy DM26 of the Development Management DPD. Officers will visit the site and provide written advice on the proposed development and in particular on the key planning policy issues that are raised.

It is recommended that the applicant submit as much information as possible on the nature of the proposed development. This will allow a more detailed response from officers and help the proposal progress to application stage more quickly.

Applicants should note that there are separate provisions in place for developments that may require the submission of an Environmental Impact Assessment alongside a planning application. If in doubt, it is recommended that applicants or their agents seek a screening opinion under the Environmental Impact Assessment Regulations.

2. Major Development

This category includes large scale development and has the potential to raise a large range of issues that will need to be addressed. The service offered includes a meeting with the applicant and their agent(s) or representatives and, if required, a presentation to elected councillors at an appropriate time. Officers will visit the site and provide written advice on the proposed development and in particular on the key planning policy issues that are raised.

It is recommended that the applicant submit as much information as possible on the nature of the proposed development. This will allow a more detailed response from officers and help the proposal progress to application stage more quickly.

Applicants should note that there are separate provisions in place for developments that may require the submission of an Environmental Impact Assessment alongside

a planning application. If in doubt, it is recommended that applicants or their agents seek a screening opinion under the Environmental Impact Assessment Regulations.

3. Intermediate Development

This category includes medium scale development and includes a number of categories of development that require considerable officer input, for example smaller residential or commercial developments.

It is recommended that the applicant submit as much information as possible on the nature of the proposed development. This will allow a more detailed response from officers and help the proposal progress to application stage more quickly.

For residential developments, the fee paid will depend on the number of dwellings proposed.

4. Minor Development

This category includes smaller scale development but includes a number of categories of development that require considerable officer input, for example barn conversions and agricultural development.

It is recommended that the applicant submit as much information as possible on the nature of the proposed development. This will allow a more detailed response from officers and help the proposal progress to application stage more quickly.

5. Householder / Advertisement / Telecommunications Development

The service provided for householder applications does not include a meeting and officers will advise on the need (or otherwise) for planning permission and the extent to which the proposed development complies with relevant planning policies including the Householder Design Guide. The Council will advise if the development can be undertaken under the Prior Notification Procedure.

When seeking advice on householder proposals it is important that the dimensions of the proposed development are clearly indicated, on a scaled drawing if possible. Details of materials should also be included.

Pre-application advice on proposals on telecommunications development (antennae and masts) and seeking advertisement consent will also be charged at this rate.

6. Advice on Trees

The Council's Trees and Woodlands Officer will provide written advice on proposals that affect a protected tree, trees in conservation areas or specific tree work (undertaken in the absence of development). A plan clearly illustrating the location of the tree(s) should be submitted.

7. Advice in relation to Listed Buildings and Conservation Areas

There are over 100 Listed Buildings and 10 Conservation Areas in Hyndburn. Works to listed buildings or development within Conservation Area will normally require a detailed appraisal to be undertaken by the Council's Conservation Officer that will necessitate a site visit.

8. Viability Assessments

For pre-application advice proposals that are contrary to policy and a proposal is being justified on the basis of viability there will be a requirement for enquirers to pay for the Council to get viability reports independently assessed by a qualified consultant surveyor/valuer.

The Council will normally ask enquirers to pay the consultant direct and in advance of a pre-application advice response.

Timescales

The Council will aim to respond to pre-application enquiries within 35 working days of their submission and the receipt of the fee. For larger proposals this may be extended with the agreement of the applicant or their agent.

Validation Checklist

The Council has published a "Validation Checklist" on its website and this prescribes the information that should be submitted alongside a planning application. Pre-application advice for larger proposals will generally provide a list of the information that should be included in the subsequent planning application however the responsibility lies with applicants to ensure that all information required for validation is provided.

When the Pre-planning application advice service should not be used

The service should not be used for individuals who want confirmation that proposed development will or will not need planning permission (i.e. for non-householder proposals).

In these cases individuals should apply for a certificate of proposed development under Section 192 of the Town and Country Planning Act. The service should not be used for those individuals who want confirmation in respect of what is the lawful existing use of a building and/or land. In these cases individuals should apply for a Certificate of existing lawful use under Section 191 of the Town and Country Planning Act.

If householders would like legal confirmation that a proposal would not need planning permission (and therefore would be immune from future enforcement action) they should consider applying for a lawful development certificate under Section 192 of the Town and Country Planning Act.

Further advice relating to the submission of lawful development certificates can be found at www.planningportal.co.uk.

Disclosure of Pre-application Advice

Although the Council does not publish the details of pre-application discussions and the advice provided, it can be required to disclose this information pursuant to the Freedom of Information Act 2000 or the Environmental Information Regulations 2004, unless a statutory exemption is applicable.

Exemptions can be applied to information which is legally confidential or commercially sensitive. If you believe that information that may fall into one of these categories will be produced during pre-application discussions you must notify the Council in writing and explain why you object to its disclosure and for how long this objection will last.

Even if you lodge an objection to the disclosure of information the final decision as to whether an exemption should be applied lies with the Council.

Contact details

For further information in regard to pre application discussions, you may contact us via:
Telephone: 01254 388111

Email: planning@hyndburnbc.gov.uk