

Scheme of Delegations: Planning Call in

Delegation to Business Manager - Strategic Place (Development Services) to determine all planning applications and related planning matters (“**Applications**”) to which Article 8ⁱ refers UNLESS they consider the matter merits Planning Committee consideration or falls within one or more of the paragraphs 1 to 5 belowⁱⁱ

1 Call in of Applications excluding planning enforcement mattersⁱⁱⁱ

1.1 Subject to 1.2 – 1.3 below, the delegation shall not apply to an application where:

- (a) a Member of the ward in which the application site is located or whose ward is contiguous to that ward (and which is demonstrably affected by the application); or
- (b) the Chairman of the Planning Committee; or
- (c) the Town / Parish Council of the parish in which the application site is located

makes a valid request to the Business Manager for the Application to be determined by Planning Committee.

1.2 To be valid, a request must:

- (a) set out the material planning reasons that are relevant to the application;
- (b) set out why the matter should be referred to committee; and
- (c) be received by the Business Manager or by planning@teignbridge.gov.uk before the expiration of the consultation period being at least 21 days after the relevant weekly list of Applications

1.3 An application may not be referred to committee pursuant to paragraph 1 if it concerns a matter of technical appraisal or legal opinion; or is an application with fixed determination periods or an application with no statutory public consultation requirement which shall include for example:

- consultations
- notifications and prior approvals
- permission in principle
- certificates of lawfulness
- screening and scoping opinions
- advertisements
- hazardous substances applications
- public right of way orders
- works to protected trees
- hedgerow notifications
- high hedge remedial notices

2 Major Applications

The delegation shall not apply to any major Application ^{iv} where:

- (a) approval is recommended by the Business Manager and
- (b) which would represent a departure from the policies of the Development Plan.

3 Council Member or Officer Applications

- 3.1 The delegation shall not apply to an application where the applicant or agent (or their close associate / family member) is a Council Member or Officer.
- 3.2 For the avoidance of doubt this does not cover applications made on behalf of the Council e.g. in respect to Council owned land or development on behalf of the Council.

4 Tree Preservation Orders (TPOs)

- 4.1 The delegation shall not apply to an application concerning a TPO where objections are made (and not withdrawn) to the unconfirmed order
- 4.2 The decision whether to confirm the order will be determined by the Regulatory and Appeals Committee.

5 Enforcement Action

- 5.1 The delegation shall not apply to planning enforcement action which involves the cessation of the use of any land or building as a dwelling(s) unless urgent enforcement action (as determined by the Business Manager) is required
- 5.2 Subject to 5.3 and 5.4 below, the delegation shall not apply to planning enforcement action where:
 - (a) a Member of the ward in which the application site is located or
 - (b) the Chairman of the Planning Committee

makes a valid request to the Business Manager for the action to be approved by Planning Committee.

- 5.3 To be valid a request must meet the following requirements:

- (a) the request must set out the material planning reasons that are relevant to the Action;
- (b) why the matter should be referred to Planning committee; and
- (c) be received by the Business Manager or by planning@teignbridge.gov.uk before the expiration of 14 days (or such shorter period as may be determined by the Business Manager e.g. due to urgency) from the date of the email advising them of the proposed action.

- 5.4 A matter may not be referred to committee pursuant to paragraph 5 if it concerns a matter of technical appraisal or legal opinion.

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- i The number of this part of the Constitution will change following the approval of Recommendation 1 in the CWG report (if appropriate)
 - ii Members who have an interest under the Member's Code of Conduct in the matter under consideration will not be entitled to call in an application (pursuant to paragraph 1 or paragraph 5) unless a dispensation has been granted.
 - iii For exclusions applicable to planning enforcement matters please see paragraph 5
 - iv Major applications are planning applications for dwelling houses of at least 10 or on a site of at least 0.5 hectares where the number of houses is not known to be at least 10; the provisions of a building(s) where the floor space to be created is at least 1000²m; or development on at least one 1 hectare