

**NEIGHBOUR NOTIFICATION  
When, how and who to consult  
(Report by Development Control Manager)**

**1. INTRODUCTION**

- 1.1. The purpose of this report is to update the Panel on the practise of neighbour notification and to seek endorsement to the present practice which has evolved through practical experience since July 1992, when the practise of neighbour notification was first established.

**2. THE STATUTORY REQUIREMENT**

- 2.1. By reason of Article 8 of the Town and Country Planning (General Development Procedure) Order 1995 (as amended) all applications for planning permission are subject to some form of mandatory notification and/or advertising. This can be satisfied by advertisement in a local newspaper; site notice(s) visible to the general public; or by neighbour notification to owners and/or occupiers of adjoining properties by post. Press and site notification is required for major applications, for applications accompanied by an environmental statement and for applications which are departures from the Development Plan as well as those affecting Listed Buildings, Conservation Areas and public rights of way.

- 2.2. "Adjoining owner or occupier" means any owner or occupier of any land adjoining the land to which the application relates.

- 2.3. These "neighbours" may be residential or commercial or institutional with the only qualification being that they should be either owners or occupiers of neighbouring land.

- 2.4. Neighbours are not legally defined but good practice is to follow a definition derived from the Town and Country Planning (General Development Procedure) (Scotland) Order 1992. In this derivation:-

"neighbouring land" means land which is conterminous with or within 4 metres of the boundary of land for which the development is proposed but only if any part of such land is within 90 metres of any part of the development in question. It also, provides that where a road falls within the distance of 4 metres measured from the boundary of the land or the boundary of the unit (as the case may be) for which the development is proposed, the width of such road shall be disregarded in calculating the specified distance unless the road is more than 20 metres in width.

**3. HDC'S PRACTICE**

**Initially Agreed Process**

- 3.1 In addition to the legislative requirements, and building upon the good practice of the Scottish Example, this Council adopted a more

stringent procedure which was first established by Planning Committee resolution at its meeting on 27<sup>th</sup> July 1992.

3.2 In addition to the legislative requirements neighbours were to be consulted upon:-

- receipt of any application for planning permission, the approval of reserved matters, listed building consent, consent for demolition in a conservation area; and
- receipt of an application where objections or reservations were raised to an earlier related application.

Broadly that process was:-

- Neighbour addresses were to be identified from the ordnance survey plotting sheets (now Uniform Spatial mapping system). If addresses were not clear, the case officer was to be advised and the case officer should then have identified additional neighbours at the time of any site visit. The accepted definition of neighbouring land was property that was contiguous with the boundary of the application site including those properties immediately opposite on the other side of the road.
- Where addresses were not obvious from a site visit, a site notice was to be requested prior to the case being handed to the case officer. Such a case could well be within Town centres where a significant degree of flats or multiple occupation may be present.
- As part of the case officers site visit all notifications were to be checked and noted as correct. Any missing notifications were to be sent out within 2 working days of the site visit. Where addresses were not obvious a site notice was to be requested and subsequently displayed. If an adjacent site was being developed or under construction a site notice was to be deployed and, if known, a letter of notification sent to the site owner/occupier.
- Site notices are dated w/e Friday so must be displayed on or before that date normally by the case officer.

3.3 At the time it appeared that four circumstances would arise and the Committee accepted as practice:-

- A) Development proposed within a residential neighbourhood and where neighbours can be clearly identified:-  
Neighbour letters are more appropriate.
- B) Development proposed within a residential area but adjoining other neighbouring land:-  
Neighbour letters to be supplemented by site notice(s)
- C) Development proposed in a clearly defined commercial area:-  
A site notice (with a check for any residential content)

- D) Development proposed in open countryside or outside any defined residential or commercial neighbourhood (where neighbours cannot be identified):-  
Site notice(s)

3.4 Upon receipt of amendments to applications neighbours were to be re-notified if the amendment was significant.

### **Present Process**

3.5 The legislative requirements of Article 8 of The Town and Country Planning (General Development Procedure) Order 1995 still remain.

- Knowledge gained from practical experience in operating the notification procedure since 1992 and an internal review in 1998 together with some change in national guidance, has led to a practise which seeks to notify the “owner/occupier” of all neighbouring land, (*that is land or property that is contiguous with the boundary of the application site including those properties immediately opposite on the other side of the road*) by letter, be they residential or commercial and where these cannot be easily identified, supplementing letters by site notice(s) of all planning applications, submission of reserved matters, applications for listed building consent and demolition in a Conservation Area and prior notice applications relating to telecommunications.

3.6 Thus four scenarios arise:-

- A) Development where all neighbours can be clearly identified:-  
Neighbour letters are required.
- B) Development where some neighbours can be identified but where there is other contiguous land the owner/occupier of which that cannot be identified:-  
Neighbour letter supplemented by site notice(s)
- C) Development where no neighbours can readily be identified:-  
Site notice(s)
- D) Previous respondents to an earlier related application.  
Notified by letter

3.7 In following these guidelines practical experience has shown that confusion amongst neighbours, particularly in residential neighbourhoods, can occur when those opposite and across the road from the application sites and not in the least bit affected by the proposal, are notified of a development. Such a case would be a proposed extension or conservatory lying rear of existing property. In such circumstances it is present practice not to consult opposite neighbours on proposals that are clearly at the rear and out of sight. Consultation will continue on those developments to the front and side of opposite properties as well as those involving a proposed change of use.

- 3.8 Some developments can have a more immediate effect upon neighbours further away and not contiguous with the application site but by strict interpretation of the procedure these are not necessarily notified. In such a case a wider notification of more than just immediately contiguous proposals can be undertaken at the discretion of the case officer. This would not only include the minor scale of development but also those more major or significant proposals where wider consultation is more appropriate.
- 3.9 The practise of notifying previous respondents to similar applications has continued but varied inasmuch that these are now limited to those applications submitted during the previous three years as a more realistic and achievable circumstance.

#### **4. RECOMMENDATION**

- 4.1 Members are asked to endorse the present notification process and to agree to the minor changes set out in paragraphs 3.5 to 3.9 above.

Contact Officer - Geoff Crocker, Development Control Special Projects Officer  
Telephone 01480 388499

Background Documents: Town & Country Planning (General Development Procedure) Order 1995