

Guidance on information requirements and validation

Section 3

Validation: a more responsive approach

26. After the introduction of the standard application form, some LPAs developed validation processes that resulted in very high initial levels of invalidity. Some of this may have been due to poor quality applications. However, some LPAs may also have been too rigid in their validation requirements. A 'tick-box' approach to validation offers clarity for applicants in setting out which information items are required, but in some cases LPAs have applied this too mechanistically without taking individual scheme characteristics into account. LPAs are encouraged to ensure that validating officers have been sufficiently trained to identify what information is necessary for the purposes of validation.
27. LPAs should make proportionate requests for information, and should not use invalidation to prevent the start of the determination period where an applicant has taken reasonable steps to fulfil the information requirements set out on the local list.
28. For major development and other schemes which are likely to have significant impacts on the surrounding area (or further away), applicants should engage in pre-application discussions so that they are clear about the information that the LPA will need in order to understand the anticipated impacts of the application. The Government's policy on pre-application discussion is currently out for consultation and can be found in Part 3 of the draft Planning Policy Statement on Development Management³.
29. LPAs should not, when validating an application, amend the description of development without first discussing any revised wording with the applicant or their agent.
30. LPAs should acknowledge receipt of a valid application in accordance with Article 5(2) of the GDPO.
31. If a planning application is deemed invalid, the validating officer should notify the applicant of their reasons in writing, unless it is clear that the omissions could be addressed rapidly, in which case it may be more efficient to make contact with the applicant by telephone or email. If the applicant disagrees with the officer's reason(s) for invalidating the application, he or she should first discuss with a higher level officer at the LPA. If the dispute cannot be resolved with the LPA, and more than 8

³ This can be found on the CLG website: <http://www.communities.gov.uk/publications/planningandbuilding/developmentmanagementconsult>

weeks have passed since the application was submitted for determination (or 13 weeks, for major applications), the applicant may have the right to appeal against non-determination on the grounds of invalidity after 8 or 13 weeks (as applicable) as discussed further in paragraph 37. In cases where the applicant has not provided an item or items specified in the GDPO or listed on the LPA's published list, there is no right of appeal⁴. Applicants who want to challenge a decision of invalidity in such a case must consider other procedures, such as a claim for judicial review on legal grounds.

32. Local planning authorities should start the determination process as soon as a valid application is received. A valid application is registered on the day of receipt (Day zero). If the application has been submitted electronically it should be treated as having been delivered at 9am on the next working day after the day on which it is transmitted.
33. The time period from application to decision begins the day after a valid application and the correct fee (where applicable) have been received (Day one) regardless of whether the application is submitted electronically or in paper format. For prior approval applications, day 1 is the date of receipt of a valid application. This is unaffected by any requests for, or later receipt of, further information.
34. In some circumstances the supporting information may be inadequate or its quality may be a concern. These are not grounds for invalidating applications, but applicants are encouraged to submit information to a good standard since this will greatly assist the determination process. Local planning authorities have the ability to request clarification or further information during the determination process.
35. Where the local planning authority uses its powers to request additional information from the applicant, the 'clock' should not be stopped whilst waiting for further information. Normal determination periods should continue to apply unless a longer period is agreed in writing between the applicant and local planning authority to extend the determination period. This represents a strong case for engaging in pre-application discussions so that the applicant gains a better idea in advance of what information is likely to be required by the local planning authority.
36. A direction to the applicant to provide further information should be made only when necessary to assist the local planning authority in its determination of an application and must not affect the validity of an application, where it has been validated and registered.

⁴ Relevant case law is *Newcastle City Council v SSCLG and Kayu Poostchi* (CO/9666/2009), 11 December 2009.

37. In cases where a fee in respect of an application is paid by cheque which is subsequently dishonoured or electronic payment which is declined, the start date for processing the application (day 1) is the day immediately after the local planning authority is satisfied that they have received the full fee.
38. Notwithstanding the advice in paragraph 34 above, local planning authorities occasionally do not validate applications on the basis that they consider the quality of the supporting information to be inadequate. In such circumstances, applicants may appeal to the Planning Inspectorate (PINS). PINS decisions on some of these 'non validation' cases can be made by way of a desk exercise and exchanges of correspondence.
39. Where it is found that an application was not valid because the information provided is wholly inadequate to enable a decision to be made, it reverts to the Authority for consideration. Except where the submitted material is wholly inadequate, such that the proposal is not reasonably capable of being understood, the appeal will be registered and an Inspector appointed. If the Inspector agrees with the applicant's view that adequate supporting information has been provided, the application is determined at appeal on its merits.