Why should I use this service?

It is widely accepted by all those involved in the planning process that addressing planning issues at a pre-application stage leads to eventual applications being determined more quickly and smoothly, with less inconvenience and delay to the applicant. In addition, obtaining pre application advice before putting an application together can mean applicants avoid the cost of employing costly professional services if their proposed scheme is unlikely to be acceptable, either in its original format or at all.

Therefore, from 1st April 2009, the Royal Borough will be introducing a formal system to provide pre-application advice within specified time limits and meeting defined service standards, which we believe will enable us to offer a more comprehensive and efficient service.

There will be a charge for this service.

When should I use this service?

The use of the formal pre application advice service is optional and free verbal advice will continue to be offered at the Planning Information Desk on the ground floor of the Town Hall.

However if you are considering any proposed development that requires submission of a planning application, you can use the formal pre-application advice service to obtain a written view as to the acceptability of your proposal.

If you still have questions after reading these guidance notes, please contact the planning help line on 020 7361 3012.

What is the purpose of the pre application advice service?

We anticipate that the service will benefit our customers by:-

- Providing you with an assessment of your site’s planning history, including the national and local policies relevant to your site,
- Allow you to receive the informal opinion of the Council as to the acceptability of your proposals before engaging professional services.
- Advice on any specific requirements about the planning process and what you should include when preparing a formal application. This will prevent your application from being held up at the registration stage.
Ironing out any issues that will assist in the quicker handling of your case and increase the likelihood that it will result in a positive outcome.

I don’t know whether I need planning permission. Should I use this service?

In most cases it is clear whether planning permission is required or not. We strongly recommend that where permission is required, you use the formal pre application advice service.

However, if you are not sure whether planning permission is required for your proposals, there are three options available.

1. You may visit our Planning Information Desk on the ground floor of the Town Hall where free verbal advice is available from a Planning Officer.

2. Consult our website and the associated linked pages to establish whether you require planning permission or not. There is a lot of information on our web pages that will assist you in determining whether your proposal requires permission or falls within the remit of ‘permitted development’. If once you have considered this information and believe that your proposal is ‘permitted development’, you are strongly advised to seek the formal confirmation of this from the Council.

3. Confirmation that something is ‘permitted development’ can be obtained by submitting a Certificate of Lawful Proposed Use or Development (CLPUD) for determination by the Council. A CLPUD is the only formal way of ascertaining whether planning permission is not required for a development. There is a fee associated with submitting a CLPUD. If, once the Council has considered your CLPUD you do need planning permission for what you are proposing, you will be required to submit a formal planning application. In most instances there will be an additional fee payable for this application.

What constitutes an enquiry for pre-application advice?

The Royal Borough considers any request for advice as to the acceptability of a proposal to be a pre-application enquiry. For example:-

- I wish to construct a rear extension at first floor level, could you please advise whether this is something the Council would consider acceptable?
- I am considering buying a shop on King’s Road and I wish to turn it into a restaurant. Can you please advise me how I go about this and whether I am likely to be allowed to do it?
- My client wishes to add an additional storey to his property to accommodate a new self-contained flat. Please advise whether this is acceptable?

All decisions are only taken after consultation with adjoining occupiers, statutory and non-statutory consultees and other interested parties. Decisions on applications with three or more objections are taken by Councillors at the Planning Applications Committee. As such any advice given by the Council for pre-application enquiries does not indicate any formal decision by the Council. Any responses are given in good faith, and to the best of ability without prejudice to the formal consideration of any planning application following statutory public consultation, the issues raised and evaluation of all available information.
• I want to make some changes to the inside of my listed building, could someone advise whether the knocking through of a doorway in the lounge is acceptable?

Also, the Royal Borough considers any request made for an Officer to visit a site to discuss development proposals, or a request that would involve a site visit or meeting, to be a pre-application enquiry.

**How do I use the service?**

1. Write to us, ideally using the pre-application advice form which can be downloaded from our web site [http://www.rbkc.gov.uk/Planning/General/pre_application_advice_enquiryform.pdf](http://www.rbkc.gov.uk/Planning/General/pre_application_advice_enquiryform.pdf). The more information you provide on this form, the quicker and more comprehensive our response will be. Please see the guidance notes on completing the form.

2. Send the completed form with the correct fee to the address on the form. **Please make all cheques payable to Royal Borough of Kensington and Chelsea.** It is not essential to provide formal plans (a sketch will do for smaller applications) and photographs are very useful. However the more you give us, the more we have to base our opinion on. For larger applications, plans and drawings will be extremely helpful. For major applications, we would appreciate the submission of six copies of any documentation to assist us in dealing with the enquiry in an efficient and timely manner.

**What service will I receive?**

1. On receipt of your enquiry, we will allocate you a case officer and a case reference number. You should receive this information within four working days of submitting your enquiry and your case officer will be in touch within five working days to set up a meeting with you. The timescale for a meeting may differ depending on the complexity of the enquiry. You should liaise directly with your case officer and quote the case reference number in full on any further correspondence with us.

2. Once your case officer has considered your proposal, you will receive a written response from us outlining the history of the site, all relevant policies and the officer’s opinion on the acceptability of your proposal. We aim to complete this written response within 20 working days of registering your enquiry ² unless otherwise agreed with your case officer.

Follow up advice for major and minor category cases is available but must be separately requested and is subject to a further fee.

**Please note that the service will not and under planning law cannot provide any guarantees that any subsequently submitted application, or an application amended in line with advice, will be granted planning permission.**

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² 30 working days for Major applications, due to their complexity
What else can you do if you do not wish use the formal pre-application advice service?

Our pre-application advice service is not mandatory although we would encourage applicants to take advantage of it to ensure their application is handled in a timely way and without any hitches. However, if you do not wish to use the formal service, you may call in to the Planning Information Desk on the ground floor of the Town Hall. This service operates daily between 9am and 5pm. Please note that queues may be experienced at busy times.

The desk is staffed by Planning Officers and you will receive a verbal, without prejudice view following a discussion of your proposal, an outline of the relevant policies and advice on any issues you need to consider. It will be helpful if you can provide a description of what you are proposing, and bring with you any photographs, drawings and sketches that you may have.

Please note that officers on the Planning Information Desk cannot provide you with advice in writing, but only verbally.

My timescales are tight and I would like to have a formal decision on my proposal as soon as possible

If you do not wish to use our pre-application advice service or ascertain whether what you are proposing is considered to be permitted development, you should submit a formal planning application. Almost all applications require payment of a fee and you would have to provide a number of documents to support your application; these will vary depending on what type of application you are submitting. Please consult our guidance notes on submitting an application and fee information to ascertain exactly what information and payment is needed.

We aim to determine planning applications within 8 weeks (13 weeks for major developments). Therefore if you choose to submit an application without seeking pre-application advice first, we may not be able to negotiate any required amendments during that timescale. You will be informed prior to a decision being taken if we intend to refuse the application in order to give you a chance to withdraw the proposal. Withdrawn applications can be amended and resubmitted within twelve months free of charge.

We cannot guarantee that we will accept amended drawings, particularly if this would result in an application being determined beyond its target date.

Freedom of Information Act

From the 1st January 2005, under the Freedom of Information Act, we may receive a request to provide information regarding enquiries for pre-application advice and of any advice given.

Therefore if you believe your pre application advice request is confidential, you must supply a covering letter that sets out the reasons why, and for
what period, any information in regard to the enquiry needs to remain confidential.

In doing so we may accept the justification for confidentiality, and will make every effort, in so far as the Act allows, to ensure that the information is “inaccessible” in the sense of not being the in public domain or a matter of public knowledge. However, the passage of time may mean that the information is no longer sufficiently sensitive to be considered “confidential”.

**Data Protection**

Information on pre application advice requests is not published on our web site at the time the advice is provided. However, if a subsequent application is received the pre application papers will be added to the case file, scanned and made publicly available, in their entirety, as part of the application.

If you object to this, you must clearly say so in writing during the course of your pre application request.  

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3 Please note that this does not prevent the documents being made available as part of a Freedom of Information request