



Report to Planning Committee 8 May 2025

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Report Summary	
Report Title	Excepted Application Report
Purpose of Report	This report deals with a Lawful Development Certificate and Section 211 Notice (works to trees in a conservation area) submitted by a Member which are excepted application types which do not require a decision by the Planning Committee.
Recommendations	For noting.

1.0 Background

- 1.1 Matters reserved to the Planning Committee are contained in the Planning Scheme of Delegation and the Constitution. Proposals submitted by serving and former Members, Officers or their close associates and relatives can easily give rise to suspicions of impropriety. Such proposals must be handled in a way that is transparent and gives no grounds for accusations of favouritism. In particular, if a Member or Officer submits their own proposal to the Council, they should play no part in its consideration. The Council’s Monitoring Officer should be informed of any such proposals which should then be reported to the Planning Committee.
- 1.2 In the context of Member referral, exceptions to the referral process are those applications which are subject to strict time limits for determination including, but not limited to, Works to Trees in a Conservation Area (Section 211 Notices), Prior Notifications, Prior Approvals and Certificate of Lawfulness proposals.
- 1.3 The Local Planning Authority (LPA) has received a Section 211 Notice (25/00497/TWCA) and a Certificate of Lawfulness (25/00152/LDCP) for a property in South Scarle. The applicant is related to a District Councillor. The tree works involve minor management works to silver birch, cherry, leylandii and holly trees. The

Certificate asks whether planning permission is required to install solar panels on the roof of the house.

- 1.4 Trees in a conservation area that are not protected by a Tree Preservation Order (TPO) are protected by the provisions in section 211 of the Town and Country Planning Act 1990. These provisions require people to notify the LPA, using a 'section 211 notice', 6 weeks before carrying out certain work on such trees, unless an exception applies. The work may go ahead before the end of the 6 week period if the LPA gives consent. This notice period gives the authority an opportunity to consider whether to make an Order on the tree. Where tree works are minor and affecting trees which are not prominent within a conservation area, as is the case here, the LPA would not normally issue a TPO.
- 1.5 The General Permitted Development Order allows for renewable energy on domestic properties without planning permission, even in conservation areas. Class A of Part 14 allows for this. This includes solar panels, ground source heat pumps, wind turbines, air source heat pumps and more. You do not need to submit for planning permission as Class A is your permission. You can simply go ahead subject to one or two restrictions for solar panels. If you are in a conservation area for example, you cannot install PVs on a wall facing a highway or on a flat roof without first obtaining prior approval. In this case, officers have determined that planning permission is not required. A Lawful Development Certificate is the only legal means of confirming whether a particular proposal is lawful.

2.0 Implications

- 2.1 In writing this report and in putting forward recommendation's officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

2.2 Legal Implications – LEG2425/4734

- 2.3 This report is for noting only.

3.0 Conclusions

- 3.1 For the avoidance of doubt, Member and Council applications which are applications excepted from the referrals process can be dealt with under delegated powers by officers and a report for noting will be presented to the planning committee for transparency. In this case, the two applications referred to are excepted types and can be noted by the Committee.