



COTSWOLD
District Council

Negotiating Submitted Applications

Procedure Note 2025

Introduction

The vast majority of planning applications received by the Council are granted permission, with many involving some form of negotiation. Negotiations during the course of an application can be a valuable part of the planning process, enabling schemes to be amended and improved to:

- meet technical and policy requirements;
- address responses from neighbours, consultees, Town/Parish Councils, and Councillors;
- allow for a pragmatic response to the needs of developers and applicants;
- ensure that, collectively, we maximise the opportunity to deliver the best possible schemes.

Following a peer review of the Council's services by the Planning Advisory Service (PAS) in Summer 2025, this Protocol has been updated to reflect the recommendations and guidance received.

The facility to make amendments is not an alternative to a properly thought out and prepared application. In line with national planning policy and best practice, the preferred approach is for negotiation to take place prior to submission. The PAS Peer Review acknowledged that it is essential that the Council strikes a balance between encouraging constructive amendments and ensuring timely application determinations. Early engagement through the Council's pre-application advice service is therefore strongly encouraged, as it provides greater certainty, helps resolve issues in advance, and supports more timely decision-making.

Where an application is found to be unacceptable, the case officer must exercise judgement in determining whether negotiation could reasonably make the scheme acceptable, or whether the application should proceed to refusal. This decision should be informed by the scale and nature of the amendments required, relevant policy considerations, and the principles set out in the Council's Negotiation Protocol.

This Protocol does not preclude negotiation, it promotes it where appropriate, but it also recognises that not all schemes can be made acceptable through amendments to live applications, particularly within the statutory timeframes imposed on the council. Importantly, this Protocol complements the NPPF's emphasis on pre-application engagement, which is the most effective stage for meaningful negotiation.

A number of factors will influence whether negotiation is agreeable, but the main ones are policy considerations and the scale and nature of the amendments required. The PAS Peer Review advised that *"to further encourage engagement, the council should consider making no allowance of Extensions of Time (EoTs) for applications submitted without prior pre-application consultation or a PPA and minimal tolerance for redesigns on sub-optimal schemes."* In response, this updated guidance further clarifies where negotiation will be undertaken, and the pre-application service will be updated in 2026 to enhance engagement opportunities.

When we negotiate

Planning applications under consideration typically fall into one of the following categories:

1. Scheme acceptable as submitted - **Approval without negotiation**
2. Scheme fundamentally unacceptable as submitted - **Refusal without negotiation**
(Note *)
3. Scheme unacceptable as submitted but needs only minor amendments or further supplementary information to make it acceptable which would not materially alter the application and which would (generally) not require re-consultation – **Approval following negotiation** (Note **)

*Note *: If the proposal is clearly contrary to policy for example, it is unlikely that negotiations can overcome this. In these cases, the planning case officer will proceed to progress the application to a determination. Similarly, if the scheme is substantially sub-standard, perhaps in a number of different respects, the presumption is that it will be progressed towards a decision without negotiations being undertaken. The reasons for refusal will advise the applicant or agent what the problems are so that they can seek to address these in a re- submitted application, if they wish to do this, or to give them the earliest opportunity to seek review of the decision via the Appeal process.*

*Note **: If the scheme only requires a relatively minor change to make it acceptable, the presumption is that negotiations will be undertaken to obtain satisfactory amended plans before the application is put forward for a decision. The criteria for assessing whether amendments are considered ‘minor’ are outlined below. Officers will always seek to secure legal agreements during the application process, where applications are acceptable in all other regards.*

How do we assess if a scheme needs only minor amendments?

In the first instance we ask two questions:

Q1 - would the amendment materially alter the application?

Q2 – would any re-consultation with the Town or Parish Council or neighbours be needed?

The case officer determines if amendments are material or require re-consultation on a case-by-case basis. It will depend on the nature and scale of the amendments and any comments that have been received from third parties. Where amendments are considered to be reasonable during the course of an application, the Council will generally only accept one single set of amended plans or additional supplementary information.

Some common examples where amendments **will not normally be accepted** are set out below:

- Significant changes to the character or appearance of the development e.g.
 - Amendments that result in a change to the description of development¹;
 - Amendments that result in a change to the red line development boundary²;
 - Where an application requires more than one round of revised plans/negotiations;
 - Alterations to a scheme that requires re-consultation with more than one consultee;
 - Alterations to a scheme that are more than minor (e.g. substantial reductions in scale, changes in design style/approach etc.);
 - Amendments that were requested through pre-application, but the advice has not been followed;
 - Addition of new elements to the originally submitted proposal e.g. an additional extension.

¹ Very minor amendments which reduce the description of works, for instance the removal of a side window which forms part of a larger scheme, could be acceptable.

² This includes where the red line may need adjustment due to BNG but may allow for some minor reductions in the development boundary (i.e. where an oversized red line is included on a householder). These changes should be picked up at the earliest possible opportunity.

Officers may have regard to circumstances where positive progress has been made following a pre-application.

What happens if we ask for amended plans or to provide additional information?

If the case officer agrees to plan amendments during a live application, they will set a deadline for submitting revised plans and supporting information. If the amendments are not received by the date given, we will normally determine the application as it stands. Amendments received after the deadline set by the case officer will not be accepted.

Deadlines set by the case officer will depend on their workload and priorities, and may sometimes be short. We aim to notify applicants of required amendments as early as possible and always strive to allow a reasonable and practical timeframe.

The expectation is that only one round of negotiation and, if necessary, re-consultation with a consultee, will be entered into per application. Similarly, we aim not to accept numerous extensions of time for one application, which can be unfair to third parties. This is also within the context of the authority's overarching aim to reduce the overall use of extensions of time in delivering the development management service.

Applicants and agents should refrain from submitting amended plans unless specifically invited to do so by the case officer. If amended plans are received without being requested, it is at the discretion of the case officer whether those plans are accepted or not.

No guidance note can cover all eventualities. In some circumstances, exceptions to the above approach may be allowed at the discretion of the relevant Principal Officer or Head of Service, however, these cases will be rare.