Steep Parish Council

Planning Guidance Notes

Do Parish Councils grant planning permission?

Town and parish councils are not Planning Authorities. Town and parish councils are not statutory consultees in the planning process. This means that they only have the right to be informed of planning applications within the parish.

They cannot approve or reject planning applications. They can only comment on planning applications in the same way that individuals can comment.

All decisions must be compliant with planning law and guidance and not be influenced by personal views and politics.

Planning conditions can only be applied by the relevant planning authority if they are:

- necessary
- relevant to planning
- relevant to the development to be permitted
- enforceable
- precise
- reasonable in all other respects

Commenting on Planning Applications

- Everyone has a right to comment on a planning application. You don't have to live in the area.
- There will often be arguments both for and against a proposal and a judgement has to be made by the council as to which outweighs the other.
- Comments that are clear, concise and accurate stand more chance of being accepted than those that are not.
- Comments, especially relating to objections should be based on 'Material Planning Considerations'.
- Strengthen your comments by including evidence and relevant legislation and law
- Avoid comments relating to non-planning issue matters. As these cannot be taken in to account and they may undermine your case. Personnel opinions do not count

Material planning considerations

When planning applications are considered, the following matters can all be relevant. These are sometimes referred to as '**material planning considerations'**:

- Central government policy and guidance – Acts, Circulars, Planning Policy Guidance Notes (PPGs) and emerging Policies etc.
- The Development Plan
- Adopted supplementary guidance – for example, village design statements, conservation area appraisal, listed buildings...
- Loss of light or overshadowing
- Visual amenity (but not loss of private view)
- Highway safety issues – such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists
- Road access
- Noise, disturbance and smell resulting from use
- Effects on existing tree cover and hedgerows
- Public rights of way
- Flooding or pollution
- Nature conservation interests – such as protection of badgers, great crested newts etc.
- Hazardous materials, contaminated land
- Design, appearance and materials
- Incompatible or unacceptable uses
- Planning history of the site – including existing permissions and appeal decisions.
- Deficiencies in community/social facilities i.e. spaces in schools
- Capacity of local infrastructure i.e. public drainage or water systems
- Need for the development – such as a petrol station
- Precedent – but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

Invalid reasons for objection

There are matters that are not material considerations and cannot be considered when determining an application. These include:

- The perceived loss of property value
- Boundary disputes / private disputes between neighbours
- Ownerships disputes
- Personal morals or views about the applicant
- Loss of a view
- Impact of construction work
- Competition between firms
- Speculation over future use of the building or site
- The identity of the applicant or occupant
- The developer's motives, record or reputation
- Unfair competition generated by the development or the construction

- Breach of covenants and personal property rights, including personal (not Public)
- Rights of way
- Devaluation of property
- Other financial matters
- Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates
- The fact that an objector is a tenant of land where the development is proposed
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation. Development without prior planning permission is carried out at the applicant's own risk.
- Disruption during any construction phase

Enforcement & retrospective applications

- It is not illegal to carry out development without planning permission. However, it is at the developer's financial risk, as they can be made to remove the unauthorised works.
- Planning is not punitive. A retrospective application can be made for unauthorised development and must be considered no differently than a normal application.
- Enforcement action is discretionary. Acceptable development would NOT be enforced against just because it doesn't have permission. Action must be proportionate to the harm caused by the breach.
- For unacceptable development, Enforcement Action is usually via a legal Notice (which can be appealed – except BCNs) followed by direct action or prosecution. An offence in law is committed if a Notice is breached.
- Breaches of planning control become "lawful" after 4 years (building works and residential use) or 10 years (other changes of use and breach of conditions).

After Reviewing the Application

When you have finished reviewing the application you can either:

- Submit a response in support the application in full
- Submit a response in support the application but ask for details of the proposed development to be reconsidered and changed;
- Take no action;
- Submit a response objecting to the application, but suggest actions that could be taken to address your objection for example through amendments to the application or planning conditions; or
- Submit a response objecting to the application and requesting that the application be refused planning permission.

If there is widespread objection or support for a proposal, individual letters are more effective than a petition or a circular letter, as this suggests people are genuinely concerned about the proposal.

Applications are determined in accordance with the local plan. If the local plan says something that either supports or prevents a proposal, the decision should follow the plan. If there are other material considerations, the development plan should be the starting point and the other considerations weighed up against it.