

# *Planning Applications & The Role of Parish Councils*

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Development Management  
Service Manager

21 June 2017



# Programme



- Overview of Development Management Service at CDC
- How decisions are made
- Policy Context
- Material considerations
- The decision
- Appeals

# The DM Service Teams



Development Management  
Service Manager

Tony Whitty

Major Applications and  
Business Team

Development Manager  
Joanna Bell

Principal Planning  
Officer  
Jeremy Bushell

(Minor) Applications  
Team

Principal Planning  
Officer  
Fjola Stevens

South Downs National  
Park Team

Development Manager  
John Saunders

Principal Planning  
Officer  
Derek Price

# Delegated decisions



- Account for 95% of all decisions on planning applications
- Officer makes recommendation to Manager/Principal Officer
- Any Member may request an application is determined by the Planning Committee ('Red Card')
  - Ideally prior to the consultation expiry of the application
  - But can be anytime up to the point that the decision is agreed
- Examples of justification for Red Card
  - Major development (Not generally for minor development)
  - Exceptional level of public interest
  - Information to raise in debate on planning issues.

# Other reasons for a Committee Decision



- **Parish objection** where the officers are recommending permission - does not include;
  - DOM/HOUS – domestic extensions
  - PLD/ELD/LDC – lawful development certificates
  - TPO/TPA/TCA – works to protected trees
- **Member** or **employee** of the Council, or spouse or partner
- Where the decision would be **significantly contrary to policy** in the Local Plan
- Where the **Council is the applicant**



# The Planning Committee

- 15 Members
- Held every 4 weeks
- An element of public speaking
  - 3 individuals in objection
  - 3 individuals in support
  - Parish Council
  - Ward Councillor
  - WSCC Member
- Site visits may be agreed where characteristics of site cannot be adequately conveyed through the officer presentation



# Role of Parishes



- Role of Parishes as statutory consultees
  - Represent local views
  - Provide local knowledge
  - Raise areas of concern
  - Inform debate and add value to the process
  - Neighbourhood planning – link between community and the Council, involved in local decisions on spending
  - Comments should ideally be relevant and appropriate – clear recommendation.

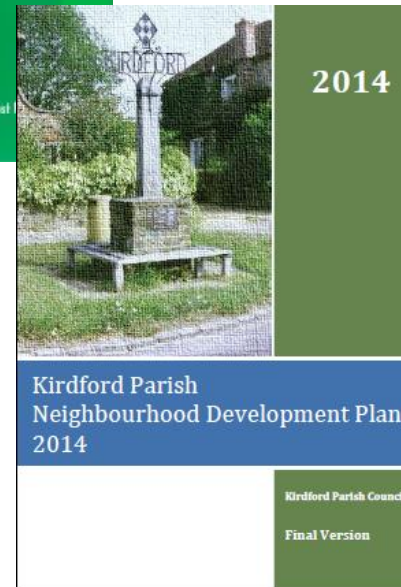
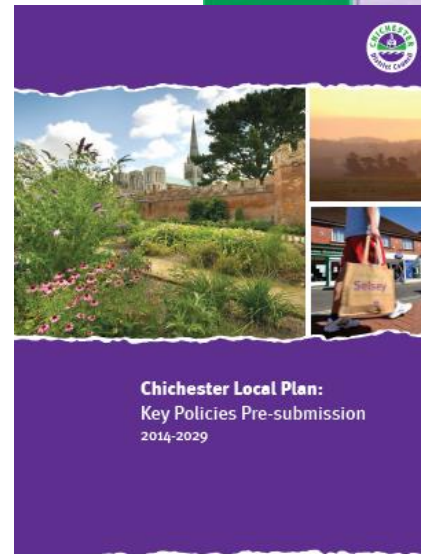
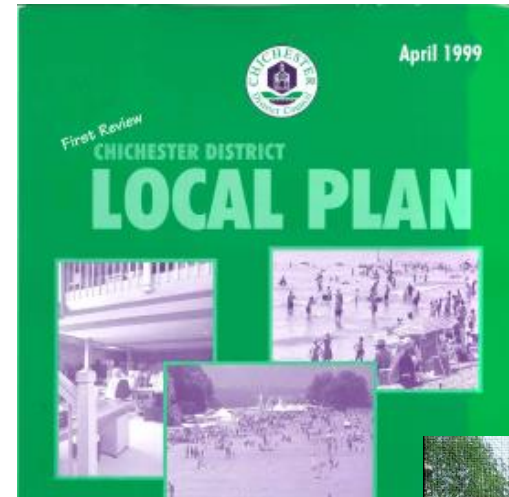
# Basic principle: start with the plan



## Basic principle: start with the plan

*“.....have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations”.*

Town and Country Planning Act 1990, section 70





# 2012

## NPPF

### The End of Town Planning

WE WERE WARNED

March

A George Osborne Production



National Planning Policy Framework

[www.communities.gov.uk](http://www.communities.gov.uk)  
community, opportunity, prosperity

# What is a material consideration?

- In principle any consideration which relates to the use and development of land is capable of being a material consideration

However, they must be;

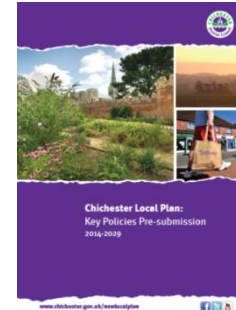
- Genuine planning considerations
- Matters of relevance to the development



# Material Considerations?



Development Plan policies



Government advice

Past Planning History/ appeal decisions



Planning  
Inspectorate



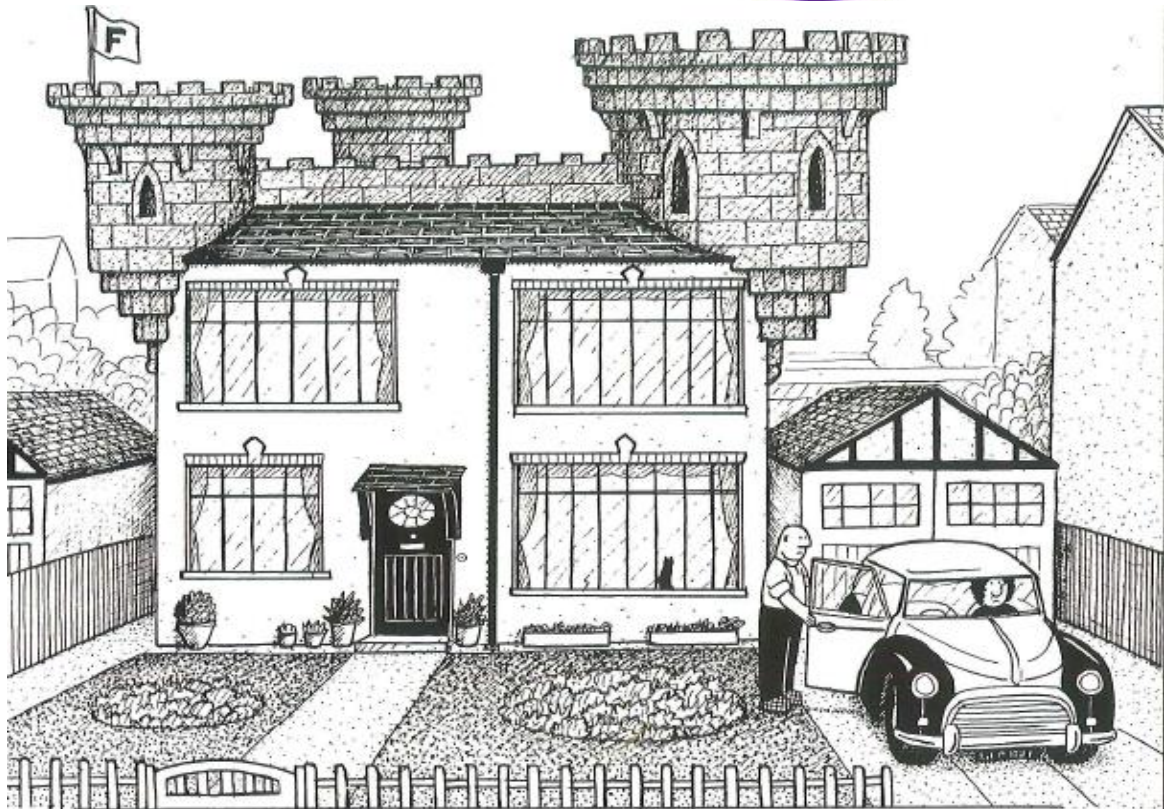
# Material Considerations?





# Material Considerations?

Work that has  
been done  
without planning  
permission...



WHEN FRED AND PENELOPE SET OUT  
FOR THEIR MEETING WITH THE LOCAL  
PLANNING OFFICER IT WAS WITH  
A SENSE OF FOREBODING



# Material Considerations?

Traffic generation & overall  
highway safety

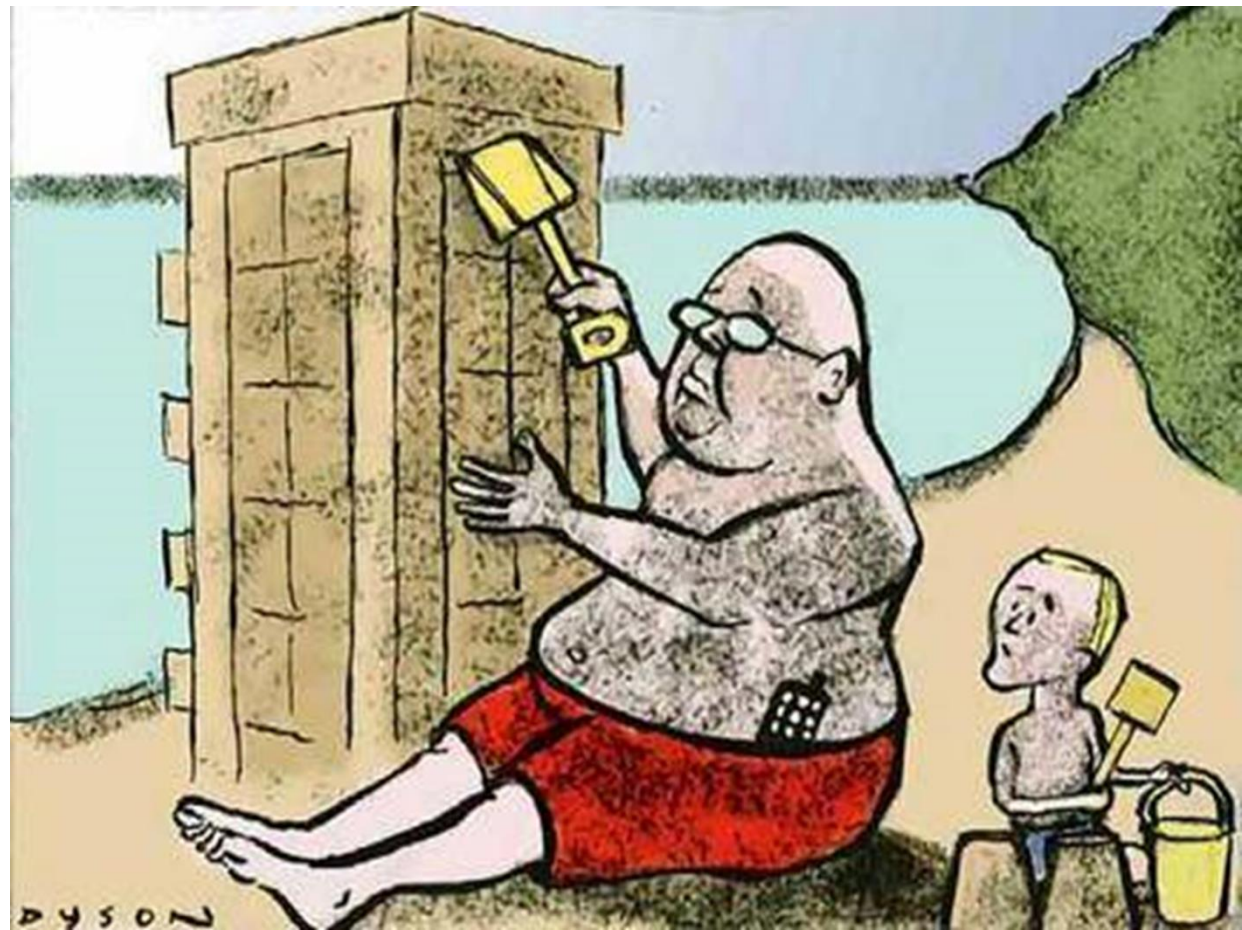


Adequacy of parking



# Material Considerations?

## Overshadowing and loss of light





# Material Considerations?



Loss of property value



Design, appearance &  
materials



# Material Considerations?

Noise & disturbance:



From the use



From construction work





# Material Considerations?



The effect on the street or area  
(but not loss of private view)



Building Regulations

...and other matters  
controlled under  
other legislation





# Material Considerations?

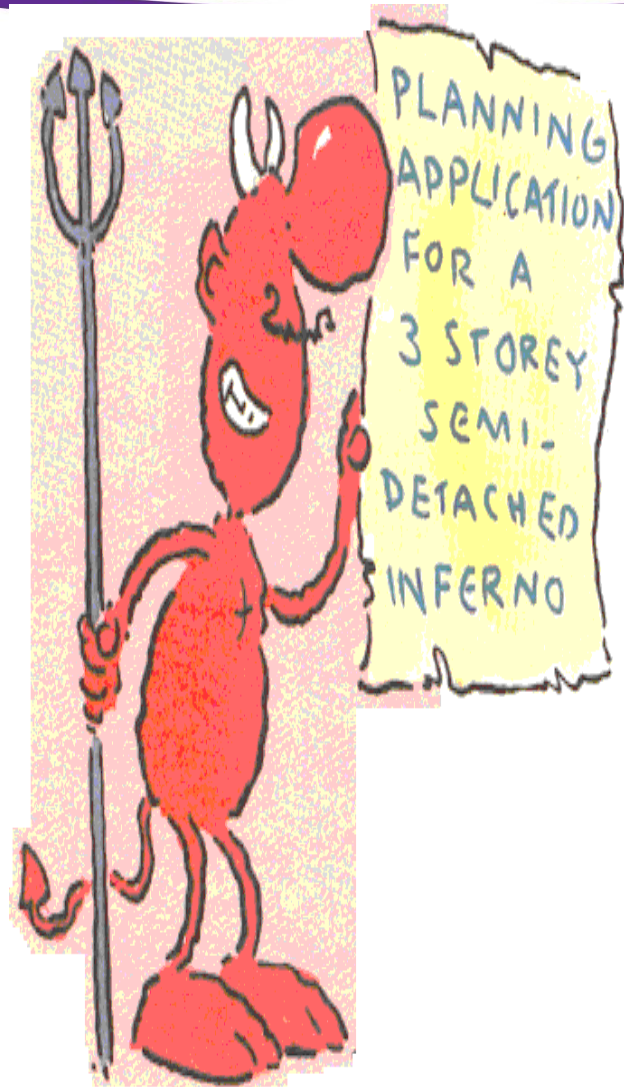
Competition



Ground contamination



# Material Considerations?



Identity or personal characteristics of an applicant



Personal circumstances of an applicant



Personal need for development





# Material Considerations?



Overlooking and loss of privacy



Issues of Morality



# Material Considerations?



## Financial Considerations

When are financial consideration material?

- Section 143 of the Localism Act deals with local finance considerations
- Defined financial ‘benefits’ (significant New Homes Bonus and CIL) can be taken into in the determination of planning applications ‘where material to the application’.
- Issues of viability (open book)

# Not Material Considerations



-  land & boundary disputes
-  land ownership
-  damage to property
-  private rights of way
-  deeds & covenants



# Not Material Considerations



private Issues between neighbours





# Not Material Considerations



Lots of  
objectors

Still NOT a  
reason for  
refusal...



# Conditions



Planning conditions should only be imposed where they are:

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

Pre-commencement conditions must be justified

# Reasons for refusal



- Must be:
  - ✓ Robust
  - ✓ Directly related to the development proposal
  - ✓ Have regard to the development plan
  - ✓ Relate to material considerations
- Can you describe the **harm** that would result (in planning terms) if the development went ahead? And why conditions would not be sufficient to mitigate that harm?

# Reasons for refusal



There are three stages in identifying a reason for refusal

- Identify the **specific** problem (it must be a relevant material planning consideration);
- Identify the harm that it would cause to the **public interest**;
- Set the objection in a **policy** context



# Appeals



- against a refusal
- against a condition on permission
- against an enforcement notice
- against failure to determine within the statutory period

# Appeals



## 3 types of appeal

- written representations
- hearings
- public inquiries

Judicial Review and Ombudsman

# Award of costs



Costs for unreasonable behaviour (even when not sought) – decisions based on evidence?

- the other party must have behaved unreasonably, causing unnecessary expense or delay
- one of the parties could seek an award or an Inspector has the discretion to award.
- it can be for full or partial costs



# Examples of circumstances which may lead to an award of costs



- Ignoring relevant national policy
- Failure to produce credible evidence to substantiate the reason for refusal
- Persisting in objections to a scheme:
  - that already has permission
  - where previous concerns have been overcome
- Refusing details as a way of re-visiting the principle

# Appeal Decisions



- Must be given appropriate weight
- Content of whole decision letter must be considered
- Appeal decision is binding and there is no right of appeal unless on a point of law.