

PLANNING PERMISSION

What powers does the Parish Council have with respect to planning applications?

The Parish Council is consulted by the Planning Authority on all planning applications within its parish. Any views expressed by the Parish Council will be taken into account by the Planning Authority before a decision is made, providing the points made are relevant to the determination of a planning application.

The final decision is made by the Planning Authority, not the Parish Council.

Morville Parish Council will only comment on what are known as “material considerations” – issues, for example, such as boundary disputes between neighbours or loss of views will not be considered.

How do parish councils comment on planning applications?

- Morville Parish Council will only agree to comment on planning applications in properly called council or committee meetings which the public can attend.
- The comments agreed in the council meeting are submitted in writing by the parish clerk to the planning authority.
- The process is exactly the same as that of an individual wishing to comment on a planning application.
- Parish councils are consultees and have no powers to approve or reject planning applications - they can only comment, or not, on applications.

Valid reasons for comment on a Planning Application

Comments that are clear, concise and accurate stand more chance of being considered than those that are not.

When planning applications are considered, the following matters referred to as ‘material planning considerations’ can all be relevant:

- Central government policy and guidance - Acts, Circulars, Planning Policy Guidance Notes (PPGs) etc.
- The Development Plan - and any review of the Development Plan which is underway.
- Adopted supplementary guidance - for example, village design statements, conservation area appraisals, car parking standards.
- Replies from statutory and non-statutory agencies (e.g. Environment Agency, Highways Authority).
- Representations from others - neighbours, amenity groups and other interested parties, as long as they relate to land use matters.
- Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping.
- The need to safeguard valuable resources, such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
- Public services - such as drainage and water supply.
- Public proposals for using the same land.
- Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance and smell.
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments and sites of special scientific interest.
- Effects on existing tree cover and hedgerows.

- Nature conservation interests - such as protection of badgers, great crested newts etc.
- Public rights of way.
- Flooding or pollution.
- Planning history of the site - including existing permissions and appeal decisions.
- A desire to retain or promote certain uses - such as playing fields, village shops and pubs.
- Need for the development - such as a petrol station, or significant economic benefits for the local community.
- Prevention of crime and disorder.
- Presence of a hazardous substance directly associated with a development.
- Human Rights Act.
- 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).

Irrelevant reasons for objection

There are certain matters which do not amount to 'material planning considerations' under current legislation and guidance. These matters cannot be taken into account in considering a planning application and should not be included in objections as they weaken the case:

- Speculation over future use.
- The identity of the applicant or occupant.
- Unfair competition.
- Boundary disputes.
- Breach of covenants and personal property rights, including personal (not Public) rights of way.
- Loss of a private view.
- 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. (People can carry out development at their own risk before getting planning permission).
- The developer's motives, record or reputation.

Other Matters – “concerns and issues”

The person making a planning application has to provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of conditions included as part of the permission.

Because of this, certain issues may not be considered as 'objections' but it is entirely reasonable to raise concerns on such issues and to ask to be kept informed before they are approved. These include:

- The proposed type and colour of the materials to be used.
- The exact nature of any proposed planting or boundary treatment.