

## Barbon Parish Council - Planning Considerations Help Sheet

### PLANNING PERMISSION

#### **What powers does Barbon Parish Council have with respect to planning applications?**

Barbon Parish Council is consulted by the relevant Planning Authority (which is usually Yorkshire Dales National Park) on all planning applications. 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.

Barbon Parish Council will strive to only comment on what are known as “material considerations”. There is no law or legislation stopping the Parish Council, if it chooses, to represent concerns presented by parishioners and or councillors which may ultimately be considered outside “material considerations” by the local Planning Authority. It is the responsibility and legal obligation of The Local Planning Authority, not the Parish Council, to decide if the comments constitute appropriate and valid planning considerations.

It is within reason other matters - “concerns and issues” - can be raised. 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 for the parish council to raise concerns on such issues and to ask to be kept informed before they are approved.

Do parish councils grant planning permission?

- Parish councils are not Planning Authorities. Town and parish councils are only 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.
- Consequently, the length of time taken to determine a planning application is governed by the local planning authority not the parish council.
- A parish council can request that it be given extra time to comment on an application.
- The decision whether this is granted rests solely with the planning authority and its own deadlines for decision making.

How do parish councils comment on planning applications?

- Parish councils can 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 relevant planning authority.
- The process is exactly the same as that of an individual wishing to comment on a planning application.
- Parish councils are statutory consultees and have no powers to approve or reject planning applications, they can only comment or not on applications. This includes declaring if they support or do not support an application.

#### Valid reasons for comment on a Planning Application

Comments that are clear, concise and accurate stand more chance of being accepted than those that are not. 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) etc.
- Development Plans/Local Plans - and any review of Development/Local Plans which are in a development/consultation period etc.
- 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 so 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 areas 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
- 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 by the local planning authority when considering a planning application and would weaken the support/objection if included:

- 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