

# NEW SERIES!.....What everyone should know about...

## #1 ... Parish Councils and Planning issues

A topic that is frequently misunderstood by members of the public is the role that Parish Councils play in planning decisions.

Parish (and Town) 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 and can comment on them in the same way that individuals can. **They cannot approve or reject planning applications.**

The grounds on which a parish council can comment on a planning application are sometimes referred to as '**material planning considerations**' and these include (amongst other specifics – full list on our website):

- Adequate parking and servicing
- Loss of trees and ecological habitats
- Effect on listed building(s) and/or conservation area(s)
- Noise and disturbance from proposals

What are not considered material planning considerations include ((amongst other specifics – full list on our website):

- Loss of view
- Private rights to light
- Private rights of way
- Age, health, status, background and work patterns of objector
- Alcohol or gaming licences

A Parish Council can object on material grounds to a planning application and if there is a groundswell of similar objections from members of the community, the planning authority is much more likely to take on board these objections.

For further information do check out:

- [Planning \(ambervalley.gov.uk\)](http://ambervalley.gov.uk)
- [What gets built and where - CPRE](#) (Campaign for Rural England)

## **LIST OF MATERIAL CONSIDERATIONS THAT PARISH (AND TOWN) COUNCILS CAN (AND CANNOT) USE TO OBJECT TO A PLANNING APPLICATION:**

- 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 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 (non-material considerations) 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 your 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 for you 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

We do hope that this series of information sheets proves to be interesting and/or useful to you. Do keep an eye out for new topics being posted (they'll generally tie in with an introduction in the Parish News Updates which will appear every other month.

If you have any questions, comments or requests for topics, please contact the Clerk: Mrs Siobhan Burton on [clerk@holbrookderbyshire.co.uk](mailto:clerk@holbrookderbyshire.co.uk)