

What are Planning Considerations?

Representations on a planning application can only be taken into account if they relate to material planning considerations.

These do **NOT** include:

- The fact that development has already begun (people can carry out development at their own risk before getting planning permission, and the Council has to judge the development on its own merits);
- The fact that an applicant has carried out unauthorised development in the past;
- “Trade objections” from potential competitors e.g. another newsagent objecting to another newsagents opening up, or an existing hot food takeaway objecting to a new one;
- Moral objections e.g. against betting shops, lottery kiosks or amusement arcades;
- The belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- The loss of an attractive private view;
- The fear that an objector’s house or property might be devalued;
- The fact that the applicant does not own the land to which the application relates – this can be overcome by agreement with the landowner;
- The fact that an objector is a tenant of land where development is proposed – the owner of the land can terminate the tenancy whether or not he/she carries out the development, and any consequences are therefore unrelated to the application;
- Allegations that a proposal might affect private rights e.g. restrictive covenants, property maintenance, ownership and private rights of way disputes, boundary disputes – these considerations are legal matters on which objectors should consult their own solicitor or advisor, as Council officers will not be able to advise on such issues. A common example is party boundary issues which are covered under the Party Wall Act;
- Arguments of a personal kind relating to the circumstances of the applicant.

The National Planning Policy Framework (NPPF) advises that:

“Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”

Planning considerations **ARE**:

- The NPPF
- Babergh & Mid-Suffolk District Council’s Core Strategy
- Babergh & Mid-Suffolk District Council’s Local Plan Parts 1 & 2, “Site Allocations & Development Management Policies” alongside which an adopted Neighbourhood Plan will sit.
- Government Planning Policy Guidance and Circulars
- The Council’s Supplementary Planning documents and guidance
- The environmental qualities of the surrounding area or the visual character of a street – scale, design, and materials of buildings and the landscaping of a site.
- The amenity and privacy of dwellings
- The character of an area in other senses – noise, dust, air quality, and other forms of pollution
- Road safety – access, car parking and traffic generation
- Public services e.g. drainage

If a Parish Council is unsure whether their comment is a planning matter it is better to include it – provided you are aware that it may not be possible to take it into account.

Not all Parish Councillors fully appreciate the relationship between the local planning authority and the applicant. It is the applicant, not the Council, that decides what proposal to submit, the Council then has to determine that application on its own merits, whatever other form it would prefer the application to take.

The Council has in most cases 8 weeks from the date of submission to determine the application (unless an extension of time has been agreed) before the applicant gains a right of appeal.

The applicant has a right of appeal to the Secretary of State if his application is refused, or conditions are imposed which he/she does not agree with.

The Council cannot refuse an application unless it can put forward good reasons that could be supported at appeal. If it acts unreasonably, then it may have to pay costs.

If an objection can be overcome by imposing a condition, that is the appropriate course of action rather than refusal.

The Council can only take into account either opposition to, or support for, a proposal, however many people express that opposition or support, in so far as it is based on material planning considerations. It is the merits of the application in those terms, not the weight of public opinion, which leads to the decision.

Adapted from a document published July 2018 by Blackburn With Darwen Borough Council's planning department.