

MATERIAL PLANNING CONSIDERATIONS

Parish councils can make recommendations on planning applications (they do not make the decision), and whilst the planning authority doesn't have to agree, it must consider the parish view providing that the recommendations they make fit with the local development framework (LDF). The planning authority must, by law, be guided by the statutory documents in the LDF.

It is important to understand the procedures by which the planning authority makes decisions. Many decisions are delegated to officers; others will go to a planning committee. Central to the decision making process are material considerations, these are issues that are, in law relevant to a planning application.

The following list outlines what are and what are not material planning considerations, these may change over time as a result of changes to policy etc and should only be read as a general guide.

Examples of material considerations:

- Government policy
- Local authority plans and policies
- Number, size, layout, siting, density and external appearance of buildings and access
- Car parking
- Landscaping
- Effects on buildings and amenity – loss of light, overshadowing, visual intrusion, noise & disturbance, smells
- Design
- Effect on a specially designated area, e.g. conservation area
- Planning history of the site
- Previous appeals on the site
- Relevant precedent
- Desire to retain or promote certain uses
- Residential amenity
- Availability of infrastructure
- Fear of crime (when supported by evidence and not as a result of prejudice)
- Traffic
- Loss of trees
- Access for people with disabilities
- Archaeology
- Sustainability
- Energy conservation
- Nature conservation
- Health

What are NOT material considerations:

- Loss of individuals view
- Identity of the applicant
- Unfair competition

- Breach of covenants and property rights
- Devaluation of property
- The number of objectors
- Boundary disputes
- Private rights of way, light or other easements
- Damage to property
- Animosity between neighbours
- The applicants conduct, private matters or how a business is run
- Age, health, status or background of an objector
- What the applicant might want to do with the building in the future
- How long the applicant has lived in the village
- Moral issues
- Complaints about procedures in dealing with planning applications
- Matters controlled under separate legislation – eg
 - Capacity of private drains
 - Control of rodents
 - Encroachment of foundations, gutters etc
 - Structural stability
 - Safety of construction materials

The planning authority will take into consideration relevant views from parish councils and members of the public before making its decision.

If the application is approved:

- Justification should be minuted if different from officer's report/recommendation
- Should include a statement relating to development plan policies
- Must be justified by reasons valid in planning law
- Usually subject to conditions (which may also be subject to an appeal)

If the application is refused:

- Must be justified by clear reasons
- Must refer to the Development Plan
- Reasons must be valid in terms of planning law
- Must be based on assessment of the material considerations in the case
- May be subject to appeal; reasons should be defensible
- Unreasonable or invalid refusals may result in cost awards against the council; but considered decisions properly defended will not, even if lost at appeal
- Only one good reason is sufficient