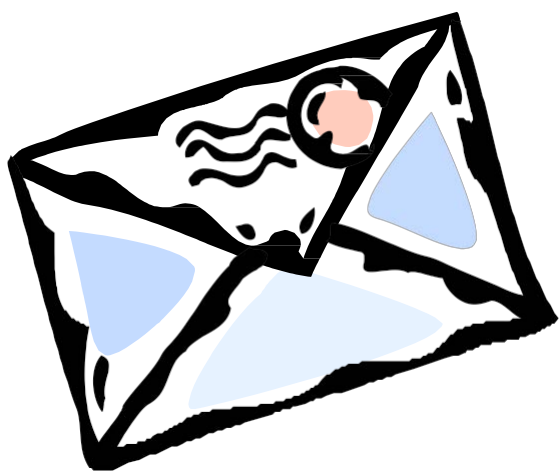


Commenting On Planning Applications

Introduction

Public consultation is an important part of the planning system. This advice note sets out the need for and benefits of consultation on planning applications. It explains how you can best make your views known and what sorts of objections are likely to carry the most weight.



The need for consultation

The law requires that planning applications are subject to some form of consultation before they can be determined. This may be carried out in several ways and includes sending individual letters, posting a site notice, an advertisement in a local newspaper and/or the internet.

The District Council publishes a weekly list of all applications received, copies of which are available on [Public Access](#).

Town and Parish Councils and other interested parties (for example neighbours) are always consulted in some

form so that their views can be considered.

Making effective representations

The scheme of delegation that the District Council operates enables the Head of Planning Services or the Planning Service Manager to determine certain levels and categories of application without reference to the Development Management Panel (DMP). All householder applications e.g. garages, extensions, garden buildings and some other types of applications are not referred to the Development Management Panel even where the decision is made contrary to the recommendation of the Town/Parish Council. For other types of application, the DMP will consider applications where there is an unresolved conflict in opinion between the Parish Council and the officer recommendation.

Town and Parish Councils are asked to respond on a standard form. This is sent to them along with details of the application when they are first consulted on the application.

The recommendation of the Town or Parish Council can be “approve”, “refuse” or “No recommendation”. A recommendation for approval or refusal must be supported by material planning reasons for the recommendation. Put simply, an explanation as to why the Council considers the proposal should be approved/refused. Whichever box is ticked on the form, it is important to ensure that any supporting comments are clear.

The following points are useful when making comments on an application. They apply equally to Town/Parish Councils, neighbours and other parties interested in making their views known.

- o Study the plans, forms and details submitted with the application carefully. Make sure you understand

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- the nature and type of application that has been made. For convenience, members of the public can view the details of an application on the Council's website and at the Council offices in Huntingdon. A copy may also be made available at the Town/Parish Council office or some other nominated location (usually the Clerk's address).
- o Members of the public can request a copy of the plans if they need them (note the District Council will charge for this).
 - o Make sure you fully understand what is proposed and where it is. Visit the site to assess the likely impact if you need to.
 - o Talk to the case officer if you are unsure of any details. He or she will be happy to talk about any aspect of the proposal. Make an appointment if you need to call in person. Details of the case officer can be found on the consultation letter.
 - o Find out what the statutory agencies think. Contact them direct if necessary. The local planning authority will almost certainly be bound by the advice it receives as this will be technical in nature. This means that where a third party disagrees with such advice, they will need to provide their own technical evidence to back up their objections
 - o Give adequate reasons for your comments. For example, it is not enough to say that as something has already been done without permission, it should therefore be refused. If you are objecting to an application, you must identify the **harm** that will be caused.
 - o Stick to planning matters. These cover a wide area and are outlined elsewhere in this note.
 - o Don't refer to non-planning issues. They will not add anything and can sometimes undermine your case.
 - o Quote Development Plan policies if you know them. These are the "starting point" for considering the merits of an application.
 - o Where the development plan is being reviewed, the new plan will also be important. This importance will steadily increase as the plan nears adoption. Where policies are proposed that have led to objections, the policies will only have limited weight until the objections have been considered as part of the plan process. Advice Note 2 contains information on the Development Plan.
 - o Be aware of government advice (PPGs, PPSs) and the East of England Plan. The Council must have regard to these in all cases. More recent Government policy will take preference over the Council's policies where there is conflict between them.
 - o You can suggest conditions which could be imposed should an application be approved. This does **not** weaken any objections you have and can help to ensure that development is properly controlled should it take place. Some conditions, however, may always be unacceptable (see below).
 - o It is very important to observe the time limit for the receipt of representations as this will often dictate the course of the application. Responses are required within a specified period, usually *21 days*. If comments not received within this time frame then it may be assumed that the Town/Parish
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- Council or neighbour does not wish to comment.
- o Ask for an extension of time if you cannot reply within the given time. A holding reply is sometimes useful and alerts the planning officer of your concerns. The District Council will be sympathetic to such requests but may not always be able to agree to them.
 - o Town/Parish Councils can seek the views of local residents and vice versa, particularly in controversial cases. The Town/Parish Council should fully reflect local feeling about a site or proposal.
 - o If there is widespread objection or support for a proposal, individual letters are more effective than a petition or a circular letter. The receipt of individual letters suggests people are properly concerned.
 - o If there are other groups who oppose the application, it may pay to pool resources. This is especially so with a major development. It may be worthwhile forming an action group.
 - o Contact your District Councillor(s). Let them know what you think.
 - o If the application is to be considered by the DMP, read the officer's report. Ask for any mistakes to be corrected before a decision is taken.
 - o You may attend the Panel meeting and a nominated Town/Parish Council representative can speak for three minutes. Objectors, as well as the applicant/agent, can also speak.
 - o Finally, you should remember that any comments or letters submitted will be available for inspection by other people including the applicant. Letters that are written on a confidential basis

will not be open to public inspection and will therefore have only a limited influence on any decision.

Making Valid Representations

Objections that are clear, concise and accurate stand more chance of being accepted than those that are not. The use of headings for each point, for example, can help in this respect. Most importantly, wherever possible, back up your comments with evidence!

When planning applications are considered, the following matters can all be relevant. These are sometimes referred to as "material planning considerations" and include:

- o Central government policy and guidance - Acts, Circulars, Planning Policy Guidance and Statements etc.
- o The development plan. The importance of this has already been explained. (See Advice Note 2)

The Importance of the Development Plan

When determining a planning application, the local planning authority should adopt certain principles laid down in legislation and government guidance.

These principles are very important and form the basis of all decisions on planning applications and subsequent appeals. The effect of these principles is that:

- Applications should be determined in accordance with the development plan when there are no other material considerations. If the development plan therefore says something that either

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supports or prevents a proposal, the decision should follow the plan.

- If there are other material considerations, the development plan should be the starting point and the other considerations weighed up against it.

- Where the development plan is not relevant, or contains conflicting policies, the application should be treated on its merits.

- o Replies from statutory and non-statutory undertakers (e.g. Environment Agency, Highway Authority)
- o Representations from neighbours, amenity groups and other interested parties so long as they relate to land use matters.
- o Adopted supplementary planning guidance or documents (e.g. Village Design Statements, Design Guide, Conservation Area appraisals, car parking standards).
- o Effects on an area. This includes the availability of infrastructure, density, layout, siting, design and external appearance of buildings and landscaping.
- o Highway safety issues such as traffic generation, road capacity, means of access, visibility and car parking.
- o Effects on individual buildings, such as direct overlooking, loss of privacy, loss of light, overshadowing, visual intrusion and noise and disturbance.
- o Effects on a specially designated area or building (e.g. conservation areas, listed buildings, ancient monuments, SSSIs).
- o Effects on existing tree cover and hedgerows.
- o Nature conservation interests (e.g. protection of badgers, great crested newts).
- o Public rights of way. Advice on these is available from the County Council Countryside Services Team.
- o Flooding or pollution.
- o Planning history of the site (including existing permissions and appeal decisions).
- o A desire to retain or promote certain uses (e.g. playing fields, village shops and pubs).
- o The benefits of the development.
- o Precedent can sometimes be a relevant consideration, but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (e.g. isolated housing in the countryside without justification). It will not usually be a reason for refusal and the old adage that each application is treated on its merits still holds true.
- o Prevention of crime and disorder.

Irrelevant Matters

Certain matters do not amount to material planning considerations and *cannot* be taken into account. It therefore follows that they cannot be used as a reason for refusal. They include:

- o The identity of the applicant or occupant, unless there are strong compassionate or personal grounds.

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- o Unfair competition (e.g. between two restaurants vying for the same trade).
- o Boundary disputes.
- o Breach of covenants and personal property rights including private rights of way. The granting of planning permission does not override these matters and they will still have to be resolved by the parties themselves.
- o Loss of a private view. Public views are relevant, for instance views of an important landmark such as a village church which may contribute to the character and appearance of the area.
- o Devaluation of property, although the reason for any devaluation will often be a planning consideration.
- o Matters controlled by other legislation (e.g. internal space standards for dwellings, fire prevention).
- o Religious or moral issues.
- o The fact that the development has already been carried out and the applicant is seeking to regularise the situation.

Advice on how some of these matters can be resolved is set out in Advice Note 10.

The Use of Conditions

The applicant has to provide enough information for the application to be determined. He does not, however, have to provide every single detail before an application can be approved. This is because certain matters can be resolved by way of conditions included as part of the permission.

Matters that might be treated as conditions include details of the proposed type or colour of the materials to be used or the

exact nature of any proposed planting or boundary treatment.

It is entirely reasonable to make comments on such issues at the application stage so that they can be taken into account when details are submitted.

Further advice on the use of conditions is set out in Advice Note 6.

Commenting on Other Types of Applications

Details of other types of applications are contained in Advice Note 7. As well as planning applications, consultation/notification is undertaken for reserved matters applications, applications for listed building and conservation area consent and prior notification of telecommunications development. Although the issues to be considered will be different, the advice in this note is also relevant to these applications.

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Please Note: This advice note is intended as a general guide. It should not be relied upon, or taken to be a full interpretation of the law.