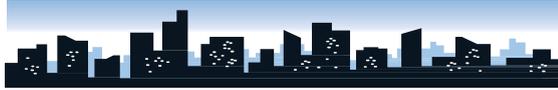


Land Use Planning



Introduction

Most development has some impact on us. It may be a single-storey house extension, a new dwelling, a new business park or a whole new settlement. In order to regulate how and when any development takes place, there is an established system of planning control.

This advice note provides an overview of the planning system and how decisions taken at local level fit into the policy and legal framework adopted by central government.

The Planning System

A key role of the planning system is to balance the competing needs of society. These needs may be social (building new homes), economic (providing new jobs), environmental (such as protecting the Countryside) or the protection of natural resources.

The delivery of these objectives is not always easy, yet it is important that we meet our present needs without preventing future generations from meeting theirs.

This is what is meant by “sustainable development”.

Planning decisions should be taken without undue delay to provide the houses, jobs and services we need. Public participation, however, is a basic part of our planning system as this helps ensure that decisions are made in the public interest.

The planning system is not intended to protect private interests or property

values, although it does consider the impacts of developments on individuals and seeks to safeguard a reasonable standard of amenity for residents. It is important that decisions should be made openly and fairly.

This means that planning decisions may have to take more than just local interests into account. This may cause widespread concern and even anger that decisions have ignored local views.



Who is involved?

o Central Government

The legal framework is set out by Parliament. The government runs the planning system in line with its own policies and objectives. Government departments will promote planning strategies, confirm local planning policies and decide on major planning applications and appeals.

The Department for Communities and Local Government (DCLG) was created on the 5th May 2006 and is an expanded department with a remit to promote community cohesion and equality, as well as responsibility for housing, urban regeneration, planning and local government.

The main legislation is the Town and Country Planning Act 1990. This is supported by various Acts, circulars, other legislation and guidance on a whole range of planning issues. The most important of these are highlighted elsewhere in this advice note.

o Executive Agencies

These are mainly government advisory bodies responsible for a range of statutory functions. They include the Countryside

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Agency, Environment Agency, English Nature and English Heritage.

o **Regional Offices**

There is a Government Office for each region of England. They bring together the activities and interests of different government departments. For Cambridgeshire, this is GO-East.

o **Local Planning Authorities**

Peterborough City Council is a unitary authority. Elsewhere in the County, a two-tier Council structure operates. The local planning authorities in Cambridgeshire (excluding Peterborough) comprise the County Council and five District/City Councils. Huntingdonshire District Council covers an area of approximately 906 sq. km of countryside in the west of the county.

Between them, the County and District Councils will have prepared *development plans*. This process is now changing and County Councils are no longer required to produce a plan. See Advice Note 2.

However a further tier of Authority has been introduced at the regional level and a Regional Spatial Strategy has been adopted.

The *County Council* (situated at Shire Hall, Cambridge) has long been the strategic planning authority. It will have prepared the *Structure Plan*, which guides development for the whole of the county. It also prepares minerals and waste disposal plans. It decides planning applications for these types of activities as well as for the services it provides. This includes schools, libraries and county roads.

The County Council's highways department also advises the District Council on highways matters such as road capacity and safety.

The *District Council* is based in Huntingdon. It has previously prepared the

Local Plan which covers the whole District and is presently preparing its Local Development Framework which comprises a series of strategies and documents and when adopted will replace the Local Plan. The Council deals with most planning applications. It manages land use and building through the determination of planning applications and enforces against unauthorised development.

o **Town and Parish Councils**

There are 84 Town and Parish Councils in Huntingdonshire and these are an important part of local government. Town and Parish Councillors are elected by local people and the Town/Parish Council will comment on the preparation of development plans and planning applications.

Town/Parish Councils have the power to carry out certain planning functions, such as the adoption and maintenance of open space provided as part of a planning permission and the provision of play equipment.

Town and Parish Councils have their own code of conduct when discussing planning and related matters. The Standards Board for England was set up in 2000 to promote high ethical standards and investigate misconduct by councillors in local government. This aspect is covered in Advice Note 10.



Huntingdonshire District Council

The District Council is run by the Cabinet. This is made up of the Leader of the Council and a small group of other councillors. Each of these councillor has a "portfolio" or service for which they are responsible. Planning lies within the portfolio of Planning Strategy and Transport.

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The Full Council gives its final approval on development plan matters and on occasion sits as the Planning Authority to determine some planning applications which are recommended for approval.

The Development Management Panel, which is made up of elected District Councillors, decides certain major and/or controversial planning applications. These might include applications that are a departure from the development plan and applications where the officer's recommendation is contrary to the recommendation of the Town/Parish Council. A District Councillor can also ask for some types of applications to be determined by the Panel.

The Panel does not have to accept the advice of its professional officers, although in most cases it does. Where the Panel does not accept the professional or technical advice given by their officers, it will still be expected to show it had reasonable planning grounds for taking a contrary decision.

Officers have delegated powers to deal with many applications. Around 90% of applications are dealt with in this way, under a system known as 'delegated powers'. The other 10% approximately of applications are considered by the Development Management Panel. Delegated powers are explained in more detail in Advice Note 6.

The planning department (or "Planning Services", to give it its full title) handles planning matters. It is made up of the following sections:

o **Planning Policy**

The Planning Policy team is responsible for preparing the Local Development Framework and associated strategies and policy documents.

o **Conservation and Design**

The Conservation Section deals with matters relating to historic buildings and conservation areas. This includes commenting on listed building applications, the preparation of Conservation Area Character Statements and grant applications for listed buildings at risk.

It is also responsible for offering advice on Urban Design and preparing development briefs.

There is also a trees and landscape team within the section.

o **Development Management**

The Development Management section deals with pre-application advice, planning and related applications, appeals and enforcement matters. There are three separate area planning teams in the district, each covering a different geographical area. There is also a separate enforcement team and a dedicated administration team to register and validate applications.



The Legal framework

The Town and Country Planning Act 1990 provides the main legislative framework. More recently, The Planning and Compulsory Purchase Act 2004 and Planning Act 2008 have introduced a number of reforms.

Other important legislation and guidance include:

The Planning (Listed Buildings and Conservation Areas) Act 1990. This provides the legal framework for listed buildings and conservation areas.

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The Town and Country Planning (General Permitted Development) Order 1995 (and subsequent amendments). Usually known as the GPDO, it details which sorts of development do not need to be the subject of a planning application.

The Town and Country Planning (Use Classes) Order 1987 (and subsequent amendments). This details whether changes of use of land and buildings need planning permission.

The Town and Country Planning (Control of Advertisements) Regulations 2007. This controls the need to apply for permission to display certain signs.

The East of England Plan 2008 covers Cambridgeshire, Norfolk and Suffolk and sets the regional framework for development plans.

Planning Policy Guidance (PPG) and Planning Policy Statements (PPS). These are not law but provide government policy and advice on various issues. They are regularly updated and cover some 24 topics ranging from transport to telecommunications and from noise to flooding.

Although Parliament approves legislation, the interpretation of planning law is left to the Courts.



How to get involved?

Most of the accompanying advice notes provide guidance on how to get involved in planning matters. There are certain key points, however, which are worth remembering. These mainly apply to the general public but should also be borne in mind by Town and Parish Councils.

- o Town/Parish Councils are sent copies of all planning applications. Their offices may be the most convenient place to see what is proposed. Copies of all applications are placed on the Public Access website at <http://publicaccess.huntingdonshire.gov.uk>
- o Always read neighbour notification letters you might receive, notices in the local press and site notices pinned up in your area. These not only give the basic information, but also may be the first and only time you are made aware of a proposal. They may also be the only chance you have to respond.
- o Take proper note of the dates by which any representations should be made. Late representations may not always be taken into account.
- o Use the Council's website and those of other organisations to keep in touch with what is happening in your area.
- o Local newspapers will feature articles and publicise events or public meetings. They also provide a forum for you to express your views or bring something to the attention of the general public.
- o Contact the relevant officer in the planning department. He or she can provide more information and answer any questions.
- o You can visit the Council's Customer Services Centre and view any plans and documents or alternatively view them on Public Access.
- o Contact your local ward councillor. They may have more information and will listen to any concerns you may have. They may agree to act or speak on your behalf.
- o Talk to your neighbours. See what they think. If you have a common interest, it

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may be easier to achieve a satisfactory outcome.

- o Last, but not least, talk to the developer. Make him aware of your concerns. It is often possible to agree amendments which everyone is happy with.

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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.