

Parish Councils and Planning Applications

Role and status of Parish Councils

Briefly, planning law states that if so requested by a Parish Council, the local planning authority (in this case Worcester City Council) must notify the Parish Council of any relevant planning application or any alteration to an application accepted by the authority.

A local planning authority must take into account the representations of the Parish Councils. However, that does not mean that the local planning authority will necessarily decide an application as the Parish Council have indicated they feel it should be decided. This is for several reasons:

The local planning authority is only entitled to take into account planning matters.

The local planning authority must take into account the representations of others apart from the Parish Council, especially the observations of the consultees, both the statutory consultees and other officers of the district council as well as neighbours of the developments, the applicant, etc. The Parish Council does not have information on the content of these other representations and while the representations of the Parish Councils are important and appreciated they are not necessarily entitled to any more weight than any other representation.

It is not always possible to re-notify the Parish Council of every amendment to a planning application. Each time a re-notification is carried out the decision is put back by 2 to 3 weeks, and a local planning authority only has 8 weeks, in most cases, to determine an application unless an extension of time is agreed by the applicant.

Normally if Parish Councils' representations are to carry weight they need to be clearly expressed and must form a corporate view.

What are planning considerations?

In other words what matters can be taken into account when making representations on a planning application? Representations on a planning application can only be taken into account if they relate to material planning considerations.

This does **not** include:

- the fact that development has already begun (people can carry out development at their own risk before getting 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;
- moral objections, for instance 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 (for instance when development is proposed on the opposite side of the road to or at the rear of an objectors' house);
- the fear that an objector's house or property might be devalued;
- the fact that the applicant does not own the land to which his application relates (this can be overcome by agreement with the owner);
- 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 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; (such considerations are legal matters on which objectors should consult their own solicitor or advisor since it will not be possible for officers of the Council to advise as to such rights)
- arguments of a personal kind relating to the circumstances of the applicant

The National Planning Policy Framework advises that: “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.” Examples of material planning considerations can include some or all of the following although it should be noted that this list is not exhaustive:

- The National Planning Policy Framework
- South Worcestershire Development Plan
- Government Planning Policy Guidance and Circulars
- The environmental qualities of the surrounding area or the visual character of a street (this includes the scale, design and materials of buildings and the landscaping of a site);
- Residential amenity and privacy of dwellings
- The character of an area in other senses (in terms of noise or other forms of pollution);
- Road safety. This might include issues relating to car parking, dangerous access or traffic generation

In summary, a local planning authority has in most cases a maximum of eight weeks from the date an application is submitted to determine the application (unless an extension of time is agreed) If the local planning authority refuse planning permission or impose conditions which an applicant does not agree with they have the right to appeal to the Secretary of State.

The Council cannot refuse an application unless it can put forward good reasons that could be supported at appeal. If it acts unreasonably (e.g. cannot support its case at appeal) then it may have to pay costs.