

St Buryan, Lamorna & Paul Parish Council

Planning Briefing Note for Councillors

What powers does St Buryan, Lamorna & Paul Council have with respect to planning applications?

As a statutory consultee, the Parish Council is consulted by the relevant Planning Authority (Cornwall Council) on all planning applications within the parish.

Any views expressed by the Parish Council will be taken into account by the Planning Authority before a decision is made, providing the points made are relevant to the determination of a planning application.

The final decision is made by the Planning Authority, not the Parish Council.

The Parish Council should only comment on what are known as “material considerations” – issues, for example, such as boundary disputes between neighbours or loss of views will not be considered.

Do parish councils grant planning permission?

- Town and parish councils are not Planning Authorities. Town and parish councils are statutory consultees in the planning process.
- This means that they only have the right to be informed of planning applications within the parish.
- They cannot approve or reject planning applications.
- They can only comment on planning applications in the same way that individuals can comment.
- The length of time taken to determine a planning application is governed by the local planning authority not the parish council.
- A parish council can request that it be given extra time to comment on an application.
- The decision whether this is granted rests solely with the planning authority and it's own deadlines for decision making.
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How do parish councils comment on planning applications?

- Parish councils can only agree to comment on planning applications in properly called council or committee meetings which the public can attend.
- The comments agreed in the council meeting are submitted in writing by the parish clerk to the relevant planning authority.
- The process is exactly the same as that of an individual wishing to comment on a planning application.
- Parish councils are statutory consultees and have no powers to approve or reject planning applications, they can only comment or not on applications.

Valid (material) reasons for comment on a Planning Application

Comments that are clear, concise and accurate stand more chance of being accepted than those that are not. When planning applications are considered, the following matters can all be relevant. These are sometimes referred to as ‘material planning considerations’:

- Central government policy and guidance - Acts, Circulars, Planning Policy Guidance Notes (PPGs) etc.
- The Development Plan - and any review of the Development Plan which is underway.
- Adopted supplementary guidance - for example, village design statements, conservation area appraisals, car parking standards.
- Replies from statutory and non-statutory agencies (e.g. Environment Agency, Highways Authority).
- Representations from others - neighbours, amenity groups and other interested parties so long as they relate to land use matters.
- Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping
- The need to safeguard valuable resources such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
- Public services - such as drainage and water supply
- Public proposals for using the same land
- Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance and smell.
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments and areas of special scientific interest.
- Effects on existing tree cover and hedgerows.
- Nature conservation interests - such as protection of badgers, great crested newts etc.
- Public rights of way
- Flooding or pollution.
- Planning history of the site - including existing permissions and appeal decisions.
- A desire to retain or promote certain uses - such as playing fields, village shops and pubs.
- Need for the development - such as a petrol station
- Prevention of crime and disorder
- Presence of a hazardous substance directly associated with a development
- Human Rights Act
- Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

Irrelevant (non-material) reasons for objection

There are certain matters which do not amount to 'material planning considerations' under current legislation and guidance. These matters cannot be taken into account in considering a planning application and should not be included in objections as they weaken your case:

- Speculation over future use
- The identity of the applicant or occupant
- Unfair competition
- Boundary disputes
- Breach of covenants and personal property rights, including personal (not Public) rights of way
- Loss of a private view

- Devaluation of property
- Other financial matters
- Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
- Religious or moral issues - such as betting shops and amusement arcades
- The fact that the applicant does not own the land to which the application relates
- The fact that an objector is a tenant of land where the development is proposed
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation. (People can carry out development at their own risk before getting planning permission)
- The developer's motives, record or reputation

Other Matters – “concerns and issues”

The applicant has to provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of conditions included as part of the permission. Because of this, certain issues may not be considered as 'objections' but it is entirely reasonable for you to raise concerns on such issues and to ask to be kept informed before they are approved. These include:

- The proposed type and colour of the materials to be used
- The exact nature of any proposed planting or boundary treatment
- Siting of service infrastructure (electricity poles etc)

How Parish Council Representations are taken into account

The local planning authority must take into account the representations of the Parish Council. However, this does not mean that the local planning authority will necessarily decide an application completely in accordance with the Parish views. It is not the role of a Parish to duplicate or replicate the role of the local planning authority. There are several reasons for this:

The local planning authority is only entitled to take into account planning matters. If the comments of Parish Councils do not relate to legitimate planning issues, they must be set aside.

The local planning authority will receive advice from their professional officers on all matters which should be taken into account in making a decision. The Parish Council will not normally receive such comprehensive advice.

The local planning authority must determine applications in accordance with the development plan unless material considerations indicate otherwise.

As consultation responses are material considerations, the local planning authority takes into account the representations of others, as well as the Parish, especially those from statutory consultees (e.g. the County or national highway authority or the Environment Agency), other officers of the Council, neighbours, and the applicant. It must also take into account any relevant planning history of the site, including previous appeal decisions, and various policy considerations.

Although the Parish will not have full information on the content of these other representations they can now view the progress of an application, plans, correspondence, and consultation replies via the Planning website.

In reaching a decision the local planning authority is required to weigh up all the views made on an application and will make a balanced decision.

Final Note

Planning is about giving weight to material considerations to make a final balanced decision.

The parish council as the lowest tier of local government has an important role to play in the planning process.

The role of local councils in the planning process goes beyond acting as the eyes and ears of their local communities; they can, for example, influence decisions and policies that affect them, develop city/town/parish plans, identify potential sites for affordable housing, or lead community engagement in implementation projects.

When determining planning applications, Cornwall Council states on its website that it encourages close partnership working with local councils, to deliver local services which give the best deal for the community.