

LONG MAN PARISH COUNCIL

www.longmanpc.org

Processing planning applications

1. Planning Responsibilities

The Statutory Planning Authorities responsible within Long Man Parish are:

- i. South Downs National Park Authority (SDNPA) for parish areas which fall within its boundaries.
- ii. Wealden District Council (WDC) for other areas.

Long Man Parish Council (LMPC) can neither give consent to planning applications, nor prevent applications, but it does have a right to be consulted on all planning and development applications and decisions relating to the parish.

Decisions within SDNPA/WDC may either be delegated or passed to the authority's Planning Committee:

a. Delegated Decision

The majority of applications are decided by the Council's officers, under powers delegated to them by the Council. This arrangement tends to apply to the more straightforward applications, so the Council's Planning Committee can concentrate on more complex applications. In these delegated cases, officers have assessed the proposal against the relevant planning policies and other material considerations, including representations made by local residents and the relevant Town or Parish Council. The case officer then makes a recommendation for approval or refusal of the application, which is then reviewed and agreed by senior officers.

b. Planning Committee

For cases larger and more significant in nature the Planning Applications Committee made up of elected members will make a decision. Written reports are made to the Council's Planning Applications Committee, with a recommendation from the case officer. These are generally applications that raise policy issues or where there is a difference of view between officers and Town/Parish Councils, or a significant level of public objection.

The Planning Applications Committee can decide to:

- Grant planning permission, with or without conditions, with reasons
- Refuse planning permission, with grounds of refusal
- Defer for further information/negotiations/site visit
- Be "minded to approve" an application, subject to resolution of outstanding points (for example a legal agreement) with delegation of a final decision to the Director of Planning and Environmental Services

2. The Planning Process

The process of advertising applications and providing comments is now done mainly on-line through the WDC/SDNPA portals which can be accessed at

<http://www.southdowns.gov.uk/planning/planning-applications> and
<https://www.wealden.gov.uk/planning-and-building-control/planning-advice/>

When an application is received it is validated by SDNPA/WDC Planning Departments to check that:

- the forms have been completed correctly and are signed and dated
- all relevant information and plans have been included and are of a recognised scale
- the correct fee has been paid

Once an application has been validated, a period is allowed for the application to be determined. Within this period, LMPC is invited to submit its comments.

Members of the public may submit their own comments and there is also an opportunity to register an interest in speaking at the planning committee meetings, focussing on issues which the planning officers are allowed to consider.

Once a decision has been made, a formal decision notice is issued to the applicant or agent. If it is approved, the decision notice will set out the planning policies relating to the development. It will also set out any conditions relating to the approval. An applicant, who is dissatisfied with a decision on an application, can appeal to the Secretary of State for a review. Only the applicant/s for the original application or an agent acting on their behalf can appeal a decision.

3. LMPC's Role - The Parish Council is invited to comment in one of three ways:

a. "No comment"

This indicates that LMPC has no strong views either way on an application. This will be treated by the SDNPA/WDC as a neutral comment, allowing it to determine the application either way (for approval or refusal) under delegated powers.

b. "Object"

This indicates that LMPC has objections to the application and its submission to SDNPA/WDC should set out the reasons for objecting. In such circumstances, SDNPA/WDC can refuse planning permission under delegated powers, but will need to report the application to the Planning Applications Committee for determination if the officer recommendation is for approval and the objection received from the LMPC is based on reasonable and sustainable planning grounds.

c. "Support"

This indicates that LMPC supports the application and its submission to SDNPA/WDC should set out the reasons for supporting. In such circumstances, SDNPA/WDC can refuse planning permission under delegated powers, but will need to report the application to the Planning Applications Committee for determination if the officer recommendation is for refusal and the support received from LMPC is based on reasonable and sustainable planning grounds.

LMPC can submit a comment in respect of all applications, even if the comment is "No Comment".

In commenting on applications LMPC seeks to protect and enhance the character and appearance of the parish villages; to ensure that any development, whether new or an alteration to an existing property, will be sympathetic to its surroundings; to increase, wherever practicable, facilities for parishioners; to conserve wildlife, flora and the countryside; to focus on sustainability and to recognise the importance of its location within the South Downs national park.

4. LMPC's Process

In its assessment of planning applications, LMPC should take into account all shades of opinion:

- in part through discussions with interested parties where possible,
- in part through residents contacting LMPC directly,
- in part through monitoring comments made on the SDNPA/WDC websites, and
- in part with reference to the wider interests of the village community taking into account planning guidelines and constraints, including the planning boundary and any conservation area within the parish.

To assist general communications on planning matters, summaries of all applications will be published onto the LMPC's website, and the LMPC's update report published in the parish magazine.

LMPC encourages all villagers, if they wish, to bring their views on applications to meetings of the Parish Council, and will then discuss these comments. It is important that the council is made aware of peoples' views at the earliest opportunity as this is the only certain way that it has of knowing what views and /or concerns there are, as it is sometimes difficult to be sure that the council is properly briefed on the wider views of villagers.

LMPC recognises that for a variety of reasons some villagers may wish to express their views on an application on a confidential basis, and not to have their names in the public domain. In these circumstances villagers are encouraged to contact LMPC's clerk who will keep all such comments confidential but will collate and discuss these with other councillors on an anonymous basis before our submission is made.

5. LMPC's Assessment Process

Because of the two month cycle period between Parish Council meetings compared to the higher authority's consultation period for LMPC to prepare and submit its comments, it is not always possible for an application to be discussed at the full meeting of LMPC.

As a matter of course, LMPC's members will be provided with details of each outstanding application by email on a regular basis. These details should include:

- a summary of the application,
- a summary of any comments received,
- any significant issues affecting consideration of the application such as whether it is located within the planning boundary and whether there may be valid grounds for objecting to or supporting the application,
- an initial comment on the application for review by councillors

Councillors are then invited to advise the clerk on whether they agree with the proposed comment or wish to propose changes. These discussions will take place at a regular LMPC meeting if the schedule allows, or by email and/or discussion on an informal basis if the comment has to be submitted before the next formal LMPC meeting.

Following this dialogue, the draft comments will be finalised by LMPC's members and passed to the clerk who will formally submit the comments.

The clerk will only submit a planning comment to the higher authority if it is agreed by consensus of at least three councillors following due consideration of the application (a quorate response).

Consideration of Planning Applications

All comments the council [LMPC] receives about a planning application will be considered, but only comments which raise material planning considerations can be taken into account when an application is decided.

Therefore, objections may not always result in planning permission being refused, because there are other factors such as the planning policies of the council and central government which may outweigh the objections.

The strength or volume of local opposition (such as petitions or multiple copies of the same objection letter) is not in itself a material planning consideration, but if the content of such objections is focused on the material planning issues then they can be taken into account.

LMPC will also take Material and Non-material considerations into account when deciding on planning enforcement matters in preparing their response:

Material planning considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of daylight/sunlight or overshadowing
- Scale and dominance
- Layout and density of buildings
- Appearance and design of development and materials proposed
- Disabled persons' access
- Highway safety
- Traffic and parking issues
- Drainage and flood risk
- Noise, dust, fumes etc
- Impact on character or appearance of area
- Effect on listed buildings and conservation areas
- Effect on trees and wildlife/nature conservation
- Impact on the community and other services
- Economic impact and sustainability
- Government policy
- Proposals in the Local Development Plan
- Previous planning decisions (including appeal decisions)

Issues which cannot be taken into account:

- Who the applicant is/the applicant's background
- Loss of views
- Loss of property value
- Loss of trade or increased competition
- Strength or volume of local opposition
- Construction noise/disturbance during development
- Fears of damage to property
- Maintenance of property
- Boundary disputes, covenants or other property rights
- Rights of way
- Personal circumstances are generally not a material planning consideration