



Planning and the Parish Council

Boxley Parish Council

Beechen Hall

Wildfell Close

Chatham, Kent

ME5 9RU

01634 861237

clerk@boxleyparishcouncil.org.uk

www.boxleyparishcouncil.org.uk

Introduction

This leaflet will offer some guidance for residents on how the planning system works. It neither seeks nor claims to be comprehensive, but further information can always be found from the Parish office or Maidstone Borough Council (www.maidstone.gov.uk/residents/planning Tel: 01622602736)

Abbreviations: Kent County Council (KCC), Maidstone Borough Council (MBC), Local Planning Authority (LPA), National Planning Policy Framework (NPPF)

How is the parish involved in planning?

As Maidstone borough council is the LPA, they consult the Boxley Parish Council on all planning and tree work applications within the Parish.

What are the key components of planning?

All LPA's follow the framework set by the NPPF, who guide planning developments. Some major points to consider are:

1. The NPPF is generally in favour of developments providing it is sustainable (economically, environmentally and socially viable).
2. An applicant has the right to appeal if their proposal is rejected by MBC. Those who object to the application (objectors) do not have a right of appeal if the application is approved.
3. Traffic and highway issues are decided by the KCC, not MBC who cannot challenge these decisions.
4. MBC, as the LPA, decides local planning applications. Once made, these have the backing of the law.

When can applications be rejected?

The reasons for making an objection are strict. The LPA can only consider 'material considerations'

Some common ones are:

1. The design does not follow the local street scene, because of e.g. shape, height, unsympathetic, materials etc
2. Traffic/highway issues (decided by KCC)

3. Impact on neighbours- e.g. Water run-off, loss of privacy and seriously blocking light (a mathematical calculation is used for the latter). Note: loss of a view and loss of value to neighbouring properties are not material considerations in planning terms.
4. Impact on the Kent Downs area of Natural Beauty (AONB) or a conservation area.
5. Pollution; noise/air/light/general.
6. Whether it breaches a Tree Preservation Order (TPO).
7. Likelihood of flooding.

Sometimes, LPA's may put conditions on your application for it to pass. For example, this could come in the form of additional landscaping to screen development, completion time and materials to be used. Conditions cannot be added retrospectively.

Objectors can request conditions, as long as these are made at the same time of the objection.

What is the role of the Parish Council's Environment Committee?

The Committee is responsible for commenting on applications received from the LPA. It submits these to MBC. However due to the limited number of reasons that can be used to object to an application, these are mostly 'non-material' comments to highlight local issues to the assigned Case Officer. A Parish council objection or comment does not necessarily mean the application will be refused as the decision is ultimately with MBC.

The Committee has 14-21 days to respond to applications received from MBC. The Committee meets twice a month. Meeting dates are available on our website. The Parish Councils website also has a planning section with a link to recently received planning applications via the MBC portal.

Applications are published on the MBC website. Applications can be consulted at the Planning Office, Maidstone House, King Street, Maidstone. If you do not have access to a computer, arrangements can be made with the Parish office to view an application. Residents may comment on applications that will be displayed publicly on the MBC website.

Letters supporting or objecting an application should be sent directly to MBC. It is very helpful to include photographs. It is also possible to send a copy of your letter/email to the Parish office where it can be considered at the next Environment committee meeting. This is known as lobbying.

The Parish council takes its responsibilities very seriously and will not object to an application just because a resident or residents want it to. There must be material planning objections and where applicable the interests of the community as a whole, will be given due weight. The Parish council will attempt to discuss the issue with the planning case officer assigned and support residents with reasonable requests, **however residents should be aware that their hopes/expectations may not be met however valid they may think their case.**

Can I address the Environment committee?

Yes! All meetings have an open session for the public to address members. See our leaflet "*How to ask a question at council and committee meetings*" for instructions. People normally go to voice their reason for objecting or supporting an application. Members will consider both arguments.

You can sign up to alerts to new local planning applications by emailing enquiry@boxleyparishcouncil.org.uk.

How else can the Parish Council help?

The Parish office has copies of MBC policies and planning documents. Office staff can talk you through procedures for objecting to an application but cannot advise whether it will be successful.

Office staff and committee members welcome people contacting them about submitting applications however committee members are all volunteers. This means that despite having lots of life experience and some training, they cannot give qualified advice on planning issues. This should be sought from MBC which has a pre-planning service.

Freedom of information

All councils are covered by this legislation and so any application, written correspondence, notes of conversations etc. are open to public scrutiny (subject to compliance with the Data Protection Act 1998). More information can be found on the Parish council website.

Informal summary of the MBC planning system

1. An MBC planning officer decides on applications with guidance from the laws and policies. They will be aware of any queries from the Parish council and/or any other interested parties but are not obligated to take notice of them.

If they decide to approve the application, then in normal circumstances, they have the devolved power to do so.

However, if the Officer agrees with any objections, the application is refused.

If the Parish council objects to the Officer's decision of approval, or if the Borough Councillor 'calls in' the application, then this devolved power (to grant or refuse applications) is removed and the application is referred to the MBC Planning Committee.

2. The MBC planning committee meet every 3rd Thursday and will normally decide all applications before it on the night. The agenda is released the previous Friday and is available on the MBC website. This agenda includes officers' reports and recommendations on each of the applications to be decided. The Applicant and any objectors receive notification of when an application is on the agenda. Members of the public may attend the meeting but may not speak (see 4 below). It may also be watched live on the MBC website.
3. If the Planning Officer is minded to approve an application, then an objector should consider whether there are any reasonable conditions that might be put in place by MBC that could resolve/mitigate some of their concerns. This must be done before the formal decision of the Planning Officer or Maidstone Planning Committee. It is strongly advised to do this before the meeting.

4. The applicant, a single objector, a Parish Councillor and a Borough Councillor can 'book in' to speak at the meeting. This application to speak must be booked in advance, normally by the Wednesday before the meeting. Speakers are only allowed 3 minutes. Committee members can also be lobbied by sending them an email/letter **before** the meeting. Details of the Committee membership and their contact details are on the MBC website. It is imperative to relate your comments to the Planning Officers' report on the agenda. It is advised you familiarise yourself using archived proceedings of the process. This can be found on the MBC website.

5. If MBC refuses an application, only the applicant has a right of appeal to the independent Planning Inspectorate, who may overturn the MBC's decision. Their ruling is final. Objectors have no right of appeal.

The Planning Inspectorate can, if he/she feels the LPA has incorrectly refused planning permission having gone against their own legislation, award costs against the LPA. MBC must carefully decide on refusals to avoid this.

Further information can be found at www.communities.gov.uk, www.maidstone.gov.uk and www.planningportal.co.uk.