



# Planning and the parish council.



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April 2016

## Introduction

The purpose of this leaflet is to offer some guidance to residents on how the planning system works. It neither seeks nor claims to be comprehensive, but further information can always be obtained from the parish office (see front cover) or Maidstone Borough Council ([www.maidstone.gov.uk/residents/planning](http://www.maidstone.gov.uk/residents/planning) tel: 01622-602736).

## How is the parish council involved in planning?

Maidstone Borough Council is the Local Planning Authority (the LPA). They consult the parish council on all planning and tree-work applications from within the parish.

## What are the key components of planning?

The National Planning Policy Framework (NPPF) and supporting legislation guides local planning authorities in all planning matters.

Some of the principles that have the most impact on planning decisions are:

- The NPPF presumes in favour of development (providing it is 'sustainable', of which the key dimensions are economic, social and environmental).
- Maidstone Borough Council (MBC), as the local planning authority (LPA), decides local planning applications. Once made these have the backing of the law.
- Applicants have a right of appeal against a refusal to allow planning permission; objectors do not have a right of appeal.
- Traffic and highway issues are decided by KCC. MBC cannot challenge its decisions.



### **Reasons that the LPA can use to refuse an application.**

The reasons are strictly controlled. The LPA will not consider an objection as valid just because the objector does not like a development. It can only take into account 'material considerations, of which the following are the most common:

- Design being out of keeping with the street scene, because of e.g. bulk and/or height or unsympathetic materials.
- Highway issues. KCC decides this issue.
- Impact on neighbours: such as water run-off, loss of privacy or seriously blocking light (mathematical calculations are used for the latter). But loss of a view is not considered to be a 'material consideration'.
- Impact on the Kent Downs Area of Natural Beauty (AONB) or a conservation area.
- Pollution. Noise/air/light/general.
- Likelihood of flooding.
- In the case of trees subject to a Tree Preservation Order (TPO), the Conservation Officer advises that the TPO should not be varied.

### **Planning conditions.**

If permission to develop is granted, the LPA may attach conditions to it. Generally these deal with time for completion, landscaping and materials to be used. An objector can put forward suggestions for conditions to be considered if the LPA is minded to grant the application, for instance additional landscaping to screen the development. The request for conditions must be made at the same time as the objection is lodged. Conditions cannot be added retrospectively.

### **What is the role of the parish council's Environment Committee?**

The Environment Committee is responsible for considering and making comments on applications received from the LPA. These it then submits to the MBC planning officers for consideration. Due to the limited number of reasons that can be used to object to a planning application, the Environment Committee will often list 'non-material' concerns to ensure

that the Planning Officer is aware of local issues. However, just because the parish council objects to an application does not mean that it will be refused. MBC's planning officers or Planning Committee may not agree with the parish council's arguments.

On receipt of an application for consideration from MBC, the Environment Committee has 14 or 21 days to respond. To meet such these strict deadlines, the committee meets twice a month. Meeting dates are available on our website and from the parish office. Committee members try to visit application sites, but sometimes this is not possible.

Letters supporting or objecting to an application should be sent direct to the MBC Planning Department. It is helpful if photographs are included with letters of objection. Residents may, if they wish, copy their letters (and photos) to the parish office, to arrive before the Environment Committee meeting at which the application will be considered. It is helpful if photographs are included with letters of objection.

The Environment Committee has also to decide whether it wishes to have any decision (normally objections to an application) referred to the MBC Planning Committee. The Environment Committee can decide to object but not require the issue reported to the Planning Committee.

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



## **Can I address the Environment Committee?**

Yes, all our meetings have an open session to allow the public to address members, see our leaflet "How to ask a question at Council and Committee meetings". Generally people wish to address members, either to object to a planning application or to support one (often their own). Members will consider both arguments.

If you wish to be alerted when planning applications are received for your area you can sign up to the parish council's community alert system by emailing [enquiry@boxleyparishcouncil.org.uk](mailto:enquiry@boxleyparishcouncil.org.uk)

## **Can I see planning applications?**

Planning applications are published in the planning section of the MBC website. The parish council's website also has a planning section with a link to recently received planning applications. Applications can be consulted at the Planning Office, Maidstone House, King Street, Maidstone. Residents with no or limited access to a computer are invited to contact the parish office as arrangements can be made for access via an office computer.

## **How else can the parish council help?**

The parish council office has copies of MBC planning strategy documents and other information. Office staff can also talk you through the systems and procedures for objecting to a planning application, but cannot advise whether it is likely to be successful.

Both the office and the Environment Committee welcome residents talking to them prior to submitting a planning application. However, committee members are all volunteers and whilst they have a wealth of life experience and have often undertaken some training they are not qualified to give advice on planning issues. This should be sought from Maidstone Borough Council which has a pre-application service. Details and cost are on the MBC website.

## **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). For more information please see the parish council website or contact the Parish Clerk.

## **Informal summary of the MBC planning system**

- 1) An MBC Planning Officer makes decision on the planning application using planning law and policy guidance. He/she

will be aware of any representations received from the parish council and/or local residents and other interested parties but is not obliged to take notice of them.

- If he/she decides to allow the application then, in normal circumstances, they have the devolved power to do so.
- If the Planning Officer agrees with the objections of the Parish Council and/or local residents then the application is refused.
- If the planning officer is minded to allow the planning application but the parish council has objected, or if a Borough Councillor 'calls in' the application, then this devolved power (the right to approve or refuse an application) is removed and the application is referred to the MBC Planning Committee.

2) The MBC Planning Committee meets every third 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. Included with the agenda are the planning officers' reports and recommendations on each of the applications to be decided. The applicant and objectors also receive notification that the application is on the agenda. Members of the public can attend the meeting but may not speak (except as in 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 objections/concerns. This must be done before the formal decision of the Planning Officer or Maidstone Planning Committee. It is strongly advised not to wait until the meeting to raise these but to tell the Planning Officer/Committee members, in writing, as soon as possible. Once a decision has been taken by the officer/committee it cannot have additional conditions attached or otherwise be amended.



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 done in advance normally by midday on the Wednesday before the meeting. Each speaker is allowed three minutes only; this is strictly enforced by the Chairman. A speaker is not allowed to speak again or make comments. Committee members may also be lobbied by sending them a letter or e-mail **before** the meeting. Details of the committee membership and their contact details are on the MBC website. Whether speaking in person or commenting in writing, it is imperative that you relate your comments to the Planning Officer's report in the agenda. You are also advised, in advance of the meeting, to log on to the MBC website to watch archived proceedings to familiarise yourself with the process.

5) If MBC refuses a planning application then the applicant (only) has a right of appeal to the independent Planning Inspectorate. The inspector can overturn MBC's decision and his/her ruling is final. Objectors have no right of appeal.

A planning inspector can, if he/she feels the LPA has incorrectly refused planning permission, having gone against their own local plan or legislation, can award costs against the LPA. So MBC must carefully consider the reasons for any refusal.

Further information on the planning laws can be found at **[www.communities.gov.uk](http://www.communities.gov.uk)** and on the Maidstone Borough Council website **[www.maidstone.gov.uk](http://www.maidstone.gov.uk)** and also **[www.planningportal.co.uk](http://www.planningportal.co.uk)**