

# LEIGH PARISH COUNCIL

## PLANNING PROTOCOL AND GUIDELINES

### 1. INTRODUCTION

- 1.1. Leigh Parish Council ('LPC' and 'Council') is the elected body representing the local community. One of the most important parts of LPC's work is to consider and make comments on planning applications. The Parish Council gives views on applications to the Local Planning Authority, but has no powers to grant or refuse planning permission itself.
- 1.2. Sevenoaks District Council ('SDC') is the Local Planning Authority and makes planning decisions. Nevertheless, as a statutory Consultee, the Parish Council has the power to comment on proposals, and the local planning authority has a duty to consider the Parish Council's views.
- 1.3. SDC is bound to consider comments made by the Parish, but is not bound to agree, and its reports on applications will explain the basis for recommendations. However, the Parish Council comments will carry a degree of weight, and for this reason it is important that the Parish Council conducts itself on planning matters in a way which is transparent, accountable, objective and fair. The paragraphs below set out how the Parish Council deals with planning applications. Applicants seeking planning permission and those making comments on applications can therefore be aware of the Parish Council's approach.
- 1.4. If the Parish Council supports a planning application which SDC are minded to refuse, the application may be referred to the SDC Planning Committee for their consideration. Similarly, if the Parish Council objects to an application and SDC supports it, this may also trigger a referral to the SDC Planning Committee. These referrals are not automatic and are at the request of our SDC Councillor who generally liaises with the LPC over this decision.
- 1.5. The planners at SDC and the Parish Council Clerk ('Clerk') may liaise over some of the planning applications submitted to the Parish Council, particularly if the application is controversial or is a development of over five dwellings.

### 2. PROCEDURE

- 2.1. On receipt of notification of an application for planning approval from the Planning Authority, the Clerk shall make a record of the particulars notified to the Council and forward them to members of the LPC Planning Committee. The Planning Committee has devolved authority from LPC to consider applications and for what may be termed non-material, small, everyday and non-contentious applications will generally agree and submit comments where appropriate. All responses are reported at the next Parish Council meeting. More material applications (see 2.4 below) are discussed by both the Committee and LPC and voted on by the full LPC.

- 2.2. At the date of adoption of this Planning Protocol, the LPC Planning Committee consists of the following Councillors: Bruce Williams, Sue Smith, Graham Marchant, Glynis Rogers, Amy Holt and Alice Backlog. The Chair of the Committee is Bruce Williams. The members of the Planning Committee can be changed at any time by a resolution passed by the Parish Council. The current members of the Committee can be seen on the LPC website.
- 2.3. Any planning application which is not dealt with by the Committee under their delegated powers shall be dealt with in accordance with the procedure outlined below:
- 2.4. Any planning application where one or more of the following criteria apply shall be considered a Material Application:
- 2.4.1. A planning application for the development of multiple dwellings; or
- 2.4.2. A planning application in respect of which local residents have complained or objected to the Parish Council or the Clerk; or
- 2.4.3. A planning application which is considered to be controversial by the Clerk, Planning Committee or Chairman of LPC, for whatever reason.
- 2.5. When considering a planning application, all Councillors shall consider, amongst other issues:-
- the nature and extent of the proposed development as revealed by the plans accompanying the application
  - the previous planning history, if any
  - if the application site is within the Green Belt
  - impact on the High Weald National Landscape (previously AONB)
  - impact on the Leigh Conservation area
  - the Leigh Village Design Statement
  - the SDC Local Plan
  - other national and local legislation/policies relevant to the application, including, but not limited to, such things as environment, sustainability, wildlife, traffic and transport, flooding
  - what impact, if any, the proposed development would have on the adjoining properties and on the immediate neighbourhood;
  - whether the proposed development is in character with the adjoining properties and/or the surrounding area;
  - whether the density of the development would result in overcrowding and/or overuse of the application site; and
  - the comments, if any, made by any adjoining residents.
- 2.6. If the application timing for statutory Consultees, as stipulated by SDC, falls within the normal schedule of Parish Council meetings, the Planning Committee shall report to the next meeting of the Parish Council and make a recommendation as to whether the Parish Council should respond to the application for the proposed development and, if so, the terms of such a response. The Parish Council will review the application and consider any representations made by local residents and the Planning Committee report and reach a decision as to whether or not it wishes to make any objection to or comment on the application. The Clerk shall inform the Planning Authority of the Parish Council's decision, even if there is no representation.

- 2.7. If the planning application is not a Material Application (see Paragraph 2.4.) and the response time which SDC has stipulated for statutory Consultees is prior to the next scheduled Parish Council meeting, the Planning Committee Chairman shall consult his fellow Committee members in relation to the application. If the Committee is in agreement on whether or not it wishes to make any objection to or comment on the application then the Chairman shall instruct the Clerk to inform the Planning Authority accordingly. The Chairman shall thereafter report his actions to the next meeting of the Parish Council. If the Committee fails to agree then the Chairman shall advise the Chairman of the Parish Council, who shall consider whether to call an extraordinary meeting of the Parish Council to consider the matter in sufficient time for a response to be lodged within the required time limit.
- 2.8. All Material Applications shall be referred to the full Parish Council for consideration. A Material Application shall be recorded on the agenda of the next scheduled Parish Council meeting' or if the application response date for statutory consultees, as stipulated by SDC, is prior to the next scheduled meeting either an extraordinary meeting will be called to consider the application or the Clerk will be instructed to request an extension from SDC.
- 2.9. Each application shall be determined on its own merits. Councillors should be mindful if there would be any harmful planning precedent that may be created if an application is approved by the Planning Committee/Authority.
- 2.10. Any comments/responses to the Planning Authority should be evidence based, include only material planning considerations and valid concerns as highlighted in para 3.4 below.
- 2.11. When considering a planning application, In addition to the matters set out in Paragraph 2.5, the Planning Chairman shall also consider whether a visit to the application site and/or of the immediately adjoining properties would be of assistance in appreciating the nature and extent of the proposed development, or the impact that the proposed development is likely to have on those adjoining properties or the surrounding neighbourhood.
- 2.12. If the Chairman considers that a visit to the application site would be of assistance, they shall consult at least two fellow Councillors to ascertain whether they are in agreement with this view. If at least two fellow Councillors agree with the view that a visit to the application site would be desirable, the Chairman shall advise the Clerk and request that she contacts the relevant parties to notify them of the proposed site visit.
- 2.13. If the Applicant and/or the owners/occupiers of adjoining properties inform the Clerk that they have no objection to a visit to their property by the Councillors, the Clerk shall make arrangements for the site visit.
- 2.14. It is expected that all Councillors will be familiar with the SDC planning website and be able to see the details of any planning application.

- 2.15. Details of all planning applications submitted to SDC can be inspected on their website. Hard copies of applications can be inspected at the Council Offices in Sevenoaks.

### 3. PLANNING APPLICATIONS GENERAL

- 3.1. What powers does Leigh Parish Council have with respect to planning applications?

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

The final decision is made by Sevenoaks District Council, the Planning Authority, not the Parish Council. Leigh Parish Council will 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.

- 3.2. Do Parish Councils grant planning permission?

- Parish councils are not Planning Authorities. Parish councils are only statutory consultees in the planning process.
- This means that we only have the right to be informed of planning applications within the parish.
- We cannot approve or reject planning applications.
- We can only comment on planning applications in the same way that individuals can comment.
- Consequently, the length of time taken to determine a planning application is governed by the local planning authority not the parish council.
- The formal consultation period will normally last for 21 days, and Sevenoaks District Council will identify and consult a number of different groups.
- The 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 its own deadlines for decision making.

- 3.3. How do Parish Councils comment on planning applications?

- As noted previously, LPC has devolved these functions, as it is able to do, to its Planning Committee, except in cases considered Material where the full LPC may decide.
- The comments agreed by LPC or the Committee 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.

### 3.4. Valid 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. They should be evidence based and where relevant make reference to central and local policy, plans and guidance.

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)

Note that Sevenoaks District Council does not provide a list of material considerations. On their website ([https://www.sevenoaks.gov.uk/info/20013/planning\\_applications/13/view\\_and\\_comment\\_on\\_a\\_planning\\_application](https://www.sevenoaks.gov.uk/info/20013/planning_applications/13/view_and_comment_on_a_planning_application)) they refer to the The Planning Portal ([https://www.planningportal.co.uk/faqs/faq/4/what\\_are\\_material\\_considerations](https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations)) for advice.

### 3.5. Irrelevant 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 their 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

### 3.6. Other matters of concern

The person making a planning application 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.

Certain issues may not be considered as 'objections' but it is entirely reasonable 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

### 3.7. Further information

To find out if you need planning permission or building regulations visit the Planning Portal: <https://www.planningportal.co.uk>

Planning applications can be viewed on Sevenoaks District Council's online planning register: <https://pa.sevenoaks.gov.uk/online-applications/>

The Government's Planning practice guidance can be accessed here: <https://www.gov.uk/government/collections/planning-practice-guidance>

and, the National Planning Policy Framework is here: <https://www.gov.uk/guidance/national-planning-policy-framework>

#### 4. MAJOR PLANNING APPLICATIONS / APPLICATIONS FOR MULTIPLE DWELLINGS

##### 4.1. Guidance for Councillors and developers

Leigh Parish Council recognises that pre-application discussions play an important role in major planning applications and welcomes the desire of developers to consult both the Council and the public more widely. However, the Council is also aware of the importance of public perception in planning and the need to avoid any appearance of being secretive.

##### 4.2. LPC will only engage with developers/applicants at a pre-planning stage on major applications. For smaller, less significant applications, applicants should be seeking pre-planning advice from SDC.

Major applications are considered to be, but not exclusively limited to, those involving multiple dwellings.

##### 4.3. Pre-determination

In all meetings with developers, Councillors are reminded of the critical importance of not pre-determining their position on any future application. It is noted, however, that expressing a pre-disposition, for example of either 'welcome in principle' or 'concerns', is permissible.

##### 4.4. Individual Councillors' discussions

If individual Councillors are approached by developers for informal discussions of possible future applications, all such requests should be notified to the Parish Clerk and referred to a public meeting of the full Council.

##### 4.5. Pre-application for public consultations

The Council will, in general, encourage developers to carry out a local public consultation before submitting plans for major developments. Developers will be asked to provide:

- assurance that submission is either already scheduled or firmly planned;
- confirmation that SDC pre-planning advice has been availed of;
- an accessible venue with suitable scheduling to allow a wide range of people to attend;
- sufficient publicity to reach all likely interested parties in a timely manner;
- a genuinely open mind and willingness to adapt plans in response to feedback.

## 5. PLANNING ENFORCEMENT

If you suspect there has been a breach in a planning application you can report your concerns to Sevenoaks District Council Enforcement Team.

[https://www.sevenoaks.gov.uk/info/20069126/planning\\_enforcement/15/report\\_a\\_planning\\_breach](https://www.sevenoaks.gov.uk/info/20069126/planning_enforcement/15/report_a_planning_breach)