

An Informal Guide to Planning Permission

When considering how to respond to a planning application that may affect you, it can be beneficial to have some background knowledge of the process. Here is a summary of key points from our experience as a Parish Council; these aren't official notes - more just hopefully useful background for you when considering an application.

- Planning in the UK is permissive. This means that in general, developments are allowed unless there's a clear reason to reject them. Comments such as "this should clearly not be allowed" are ineffective because they don't reference a specific violation of planning rules. For an objection to hold weight and potentially affect the outcome, it must be grounded in valid planning considerations. These rules come from the central government's National Planning Policy Framework (NPPF).
- Retrospective applications – those submitted after building work has already begun – are assessed in the same manner as those submitted beforehand. There is no penalty for applying late, provided that the project complies with all relevant planning policies and conditions.
- The decisions made by TWBC must follow the national guidelines set out in the NPPF. If someone believes that TWBC has not made a decision that aligns with the NPPF, they have the right to challenge the decision with the Planning Inspectorate.
- If TWBC has a decision reversed by the Inspectorate on appeal, it can result in significant expense and can be damaging to their reputation. It has been reported that in one year, Swale Borough Council incurred legal costs in the region of £300,000 to £400,000 defending appeals that were ultimately unsuccessful at appeal. This underscores the importance of TWBC ensuring that their decisions are robust and able to withstand detailed examination.
- Your local borough councillors and parish council can be valuable in helping craft a well-informed comment on a planning application. The parish council is always consulted on applications in your area and reaching out to them can be beneficial, and you can attend their meetings which discuss the application you're interested in. While they can't make the decision themselves, their recommendations can influence the planning decision, and they can help draft a comment that the Planning department might use in their deliberations.
- Calling-in an application to the planning committee at TWBC does not relax any of the rules on this document - it only takes the decision from laying with a single planner, to a committee, placing it under more scrutiny.
- Typically, the most impactful comments on a planning application come from those with legal expertise in planning or from individuals who have dedicated several days to researching the subject. These commenters can precisely reference the exact sections and clauses of applicable planning legislation that may be breached and can draw on similar cases that have been previously overturned on appeal. This level of detail is highly beneficial as it provides the planning department with a clear understanding of what their decisions are being measured against, and they are more likely to directly address comments that are backed by specific references. While this approach might be expensive, it is worth considering, especially for large-scale applications which often involve professional planning lawyers to prepare their submission.
- Planners welcome comments that provide in-depth references to specific laws or regulations. It helps to clarify under which rule or condition a particular comment or objection is being made.
- The amount of comments an application receives is not a consideration. Especially if they are all the same or presented ineffectively. I saw a change.org petition for refusal with several hundred signatures on it at one point, but the petition did not put forward any points which were material planning considerations, so it was simply "noted" by the planner.
 - In the same hand, a single well-researched, effective comment can be all that is required.

- It would have been more effective for those hundreds of individuals to either independently examine the potential planning laws that the application might have infringed upon or to combine their resources to hire a planning lawyer who could thoroughly review the application and then submit a comment representing their collective concerns.

Material planning considerations

These are things which can cause an application to be denied. They can include (but are not limited to):

- The plan significantly violates a clause in the Neighbourhood or Parish Development Plan (NDP/PDP) if one is present in the area.
- Proposals in the Local Development Plan
- 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
- Previous planning decisions (including appeal decisions)

Issues which cannot be considered

These are things which you might think would cause an application to be denied - but cannot.

- Who the applicant is/the applicant's background, and the personal circumstances of the applicant or commenter (unless exceptionally, such as relating to a physical disability, or in some cases relating to gypsy/traveller accommodation)
- 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
- Matters controlled under building regulations or other non-planning legislation.

When you can call an application in to committee

There is a high bar which must be met for your borough councillor to be able to "call in" an application, and it may be denied. A request for a "call in" must be received from your borough councillor within five weeks (35 days) of the date the application is originally made valid.

Generally, it must be:

- Development that raises a new / unusual planning issue;
- Proposals that need a wider group of people to determine a finely balanced matter;
- A particularly complex planning history or site characteristics.

It's worth noting that applications can receive initial approval as just a preliminary "outline plan" and then be put on hold for quite a while. The developer can later reactivate them when ready to move forward with changes or added details. However, this doesn't give you an extra chance to request a review by the planning committee – that deadline remains the same. Keep in mind that the resubmitted plan must be a natural progression from the original (in terms of size, bulk, and overall impact — essentially, would a regular person see it as similar?). Developers can't restart with an entirely different project. If you think you might want to have the application further scrutinized by the committee, it's crucial to act quickly.

Remember, a call-in does not offer any advantage one way or another; it only applies more scrutiny.

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