

Retrospective Planning Applications.

Background.

The Town and Country Planning Act 1990, Section 73A, states

73A Planning permission for development already carried out.

(1) On an application made to a local planning authority, the planning permission which may be granted includes planning permission for development carried out before the date of the application.

At some point prior to April 2007 CPC adopted a policy of automatically objecting to retrospective planning applications on the basis that this was unfair on those who followed the correct route to obtain planning permission before undertaking development.

West Dorset Planning Department had a policy, until several years ago, that if a PC objected to an application it would be “called in” to committee rather than being determined by an officer under delegated powers, assuming of course that the officer was recommending approval.

I do not know if this approach ever worked, because objections to planning applications have always had to be on Material Considerations, and determinations must be based on the same i.e., does the application conform to legislation, guidelines etc.

Some time prior to the Dorset Local Government Reorganization, West Dorset changed the “rule” re automatic calling in of applications where the officer recommended approval, but the PC had objected on valid Material Considerations. The new policy was that the Head of Planning, and the Chair or Vice Chair of the Planning Committee, together with the local Ward councillor(s), would consider whether it should be called in and inform the PC of the decision, with reasons if not called in.

Dorset Council almost removed this “safeguard” but luckily it was voted down.

The letter set to PCs when the notifying the Clerk of an application states: -

“If you make representations that are contrary to the proposed decision the application will be considered by the Head of Planning, in consultation with the Committee chair & vice chair and Ward Members. This will determine whether the application is referred to the Planning Committee or decided under delegated authority. Please note that representations will not automatically trigger a referral to Committee. This is in accordance with the agreed constitution and scheme of delegation.

All of which means that objecting to a retrospective planning application purely because it is retrospective achieves nothing.

Clerk’s Recommendation for the Future.

The Clerk therefore recommends that Chideock Parish Council resolves to adopt the following motion: -

Chideock Parish Council revokes any previous policy or policies to automatically recommend refusal of any retrospective planning application regardless of its merits.”