

## **Planning applications and issues**

### **Some simple information for those wishing to know more about the planning process and make representations on planning applications**

*This note is intended to provide outline guidance to councillors, potential applicants and members of the public on the planning process and on what matters may be material in submitting their views to the local planning authority on applications – it is not a substitute for expert advice. The Planning Portal (link at the end of this note) is an excellent source of information on all planning and building control matters.*

#### **When is planning permission required ?**

Permission is needed before carrying out any form of 'development'. Development means constructing new buildings or significantly changing how land and buildings are being used. The exception is for items such as small extensions, etc. where permitted development rights apply - for details of permitted development rights see the planning portal - or if you are carrying out a development consult your technical adviser.

#### **How is planning permission obtained ?**

Someone wishing to carry out development must submit a planning application for development to the local planning authority (West Dorset District Council), who will either approve it or refuse it, or approve it with conditions.

#### **In advance of submitting an application**

For applications that might be considered non-routine, applicants or their agents normally find it useful to talk to planning officers in advance to get advice, equally talking to local councillors will help give a feel as to the acceptability of the proposals and any modifications that might be helpful.

#### **What happens once an application is submitted ?**

Once applications have been registered they are allocated to a case officer. This planning officer will prepare a report, for the majority of routine applications their recommendations will be approved by a senior manager under a delegated arrangement. Where the application is more complex or contentious it may be considered by the Planning Committee made up of councillors.

The Committee will consider the report, which will carry a recommendation and must be made available to the public at least three days before the committee is due to sit.

#### **Decisions are governed by policy**

When the local council decides on planning applications they do so in the context of the Local Development Framework (local plan) and material planning considerations. They may also have regard to the outcome of planning appeals, which cover similar applications to that under consideration.

#### **What is the Local Development Framework ?**

Local Development Framework (LDF) is the term used to describe a set of documents which guides the development taking place in an area, such as West Dorset. Collectively these documents set out the Council's planning policies for meeting the community's economic, environmental and social needs where this affects the development and use of land. The LDF allows the Council to manage development in the area and sets out the factors it will take into account when determining planning applications.

## What are material planning considerations ?

These can be considered under the following general headings :

**Residential Amenity** - This covers many areas but the key factor is the impact of the proposed development on the quality of life of existing residential properties and their occupants. It includes issues such as potential for overlooking from the proposed development, noise and disturbance, whether the development may be overbearing due its scale and design. Most new development will have some impact on neighbouring properties. For it to be a reason for refusal the local planners must be of the view that the impact is significant. Consideration will be given to whether the application can be approved whilst mitigating the impact by imposing conditions, such as size, materials or operating hours, whilst approving the application.

**Traffic and Parking Issues** - The impact of traffic generated by a development is a material consideration. Parking provision on site may also be a consideration. The planning authority consults with the highways authority on whether traffic generation, highway safety, visibility and parking might be issues of concern.

**Environmental factors** - These include noise, vibration, smells, contamination, flood risk and land stability. All must be potentially significant to be material considerations. The planning authority will consult with the Environmental Health units on applications where noise, contaminations and associated issues may potentially arise. They may advise on appropriate conditions to control these factors to an acceptable level. Advice on land stability is provided by council engineering units and they may also advise on flood risk where the Environment Agency are the specialists.

**Hours of Operation** - For some applications the operations proposed may be acceptable, for example during normal daytime hours but less so if they extend into the evening or overnight. Commonly this might apply to industrial or manufacturing activities. The normal approach of the planning authority will be, where possible, to use conditions limiting the hours to enable the application to be approved.

**Design and materials** - These are very much material considerations and will always be considered as part of detailed (but not outline) planning applications. Local planning policies will normally emphasise the importance of good design that harmonises with the area, particularly a factor in conservation areas. Conditions may cover items such as bricks, roofing materials, windows, boundary walls/fencing.

**Harm to the natural and built environment** - Where development proposals might have a adverse impact on designated sites or areas such as a Site of Specific Scientific Interest (SSSI), Area of Outstanding Natural Beauty (AONB), Conservation Area (built environment) or listed building this is a significant material planning consideration.

### Some factors that are not material considerations

**Property Values** – a detrimental impact for whatever reason on the value of a nearby property is not of itself a consideration.

**Land ownership** – where an applicant does not own land on which they are applying for planning permission they should submit a notice to the landowner advising them of this. This scenario often occurs for legitimate reasons. Land ownership is not taken into account by the local planning authority when determining the application.

**Boundary disputes** - it is not the role of the planning authority to arbitrate in cases where boundaries are disputed.

**Party walls and joining-on** –Where there are concerns about development that might affect an adjoining neighbours property in some way, e.g. walls or foundations, these are matters dealt with by the Party Wall Act and not by planning. Agreement between neighbours on developments that could come under the Act are a private matter.

**Right to a view** – The impact of a proposed development on a neighbours view is not a planning consideration. A loss of light or overshadowing if significant can however be a material issue.

## **Factors where there may be exceptions to this**

**Public Views** – Views from private properties are not a material consideration, however views that affect the “public realm” could be in certain circumstances. For example if a view of an important landmark, such as a cathedral, was potentially going to be blocked by a block of flats then this could be a material consideration.

**Preferred alternative Land uses** – The Local planning authority can only consider what has been submitted, not what the public or neighbours might wish to see on a site. However if the land in question is specifically allocated in the local plan or covered by a specific policy, e.g designated for industrial use, if an application put forward is for housing, then this would be a material consideration.

**Personal Circumstances** – These are not normally a factor. However there may be exceptions, e.g. adaptations to a property to meet the needs a disable person. Alternatively a particularly small scale business activity, particular to the property owner might gain approval but with the consent tied to the applicant only.

J West  
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## **Sources**

<http://www.planningportal.gov.uk/general/glossaryandlinks/glossary/> accessed 26/10/15

[CPRE Planning Explained, accessed 30/9/15](#)

Planning issues and Material considerations – guidance note for elected members on Planning Committees 2015  
– Simon Williams, Footprint Futures