

BONINGALE PARISH COUNCIL

Policy for responding to planning applications

September 2020

Introduction

Planning law states that a local planning authority, in Boningale's case Shropshire Council, must notify the parish council of any relevant planning application or any alteration to an application accepted by the authority.

A local planning authority must take into account the representations of the parish council. However, that does not mean that the local planning authority will necessarily decide an application as the parish council have indicated that they feel it should be decided for several reasons.

The local planning authority is only entitled to take into account planning matters.

The local planning authority must take into account the representations of others apart from the parish council, especially the observations of the consultees, both statutory consultees and other officers of the district council as well as neighbours of the development, the applicant, etc. The parish council does not have information on the content of these other representations and while the representations of the parish council are important, they are not necessarily entitled to more weight than any other representation.

Planning considerations

Representations on a planning application can only be taken into account if they relate to material planning considerations.

This does **not** include:

- the fact that the development has already begun;
- the fact that an applicant has carried out unauthorised development in the past;
- moral objections, for instance against betting shops, lottery kiosks, amusement arcades;
- the belief that an application is submitted by an owner with the intention of selling the property at an enhanced value;
- the loss of an attractive private view (for instance when development is proposed on the opposite side of the road or at the rear of an objector's house);
- the fear that an objector's house or property might be devalued;
- the fact that a developer does not own the land to which his application relates;
- the fact that an objector is a tenant of land where development is proposed;
- allegations that a proposal might affect private rights e.g. restrictive covenants, property maintenance, ownership and private rights of way disputes, boundary disputes;
- arguments of a personal kind relating to the circumstances of the applicant.

Summary

A local planning authority has in most cases a maximum of eight weeks from the date an application is submitted to determine the application. If the local planning authority refuse the planning permission or impose conditions which an applicant does not agree with, they have the right to appeal to the Secretary of State.

The council cannot refuse an application unless it can put forward good reasons that could be supported at appeal. If it acts unreasonably (e.g. cannot support its case at appeal) then it may have to pay costs.

Planning applications and council meetings

The parish council is usually given 31 days in which to submit a recommendation and comments to the local planning authority. If a council meeting is scheduled which allows members to discuss a planning application, it will be placed on the agenda and a decision will be reached in accordance with standing orders. The clerk will then inform the local planning authority of the council's recommendation.

Planning applications falling outside council meetings

Because Boningale Parish Council only meets four times a year, one of which is the Annual Parish Meeting, the majority of applications will not be discussed at a council meeting. In such circumstances the council will reach a conclusion on an application by proceeding as follows:

- Upon receipt of an application the clerk will forward it to each member of the council without delay.
- Each councillor will access the Shropshire Council planning portal in order to investigate the application and consider the local implications if it is supported by the local planning authority.
- Each councillor will email the clerk within 10 days of receiving the application stating unequivocally whether they 'support' or 'object' to the application (given that approximately 95% of planning applications are dealt with by planning officers and only a very small number go to the planning committee the request for a member to attend the meeting should only be considered in the most exceptional cases). In a small number of cases councillors can consider recommending that the council abstains from making a response to the planning authority.
- Comments relating to the application can also be included in the email irrespective of the 'support' 'object' decision.
- The clerk will calculate whether the council supports, objects or wishes to abstain regarding an application once all five emails have been received and will compose a comment response which takes into account all of the comments received from councillors.
- The clerk will email each councillor informing him/her of the overall council decision and provide the draft comment response for members to amend if necessary.

- Councillors will email the clerk with any suggested amendments to the council comment response and the clerk will redraft the text and complete the feedback form on the Shropshire Council planning portal within the 31- day period.

Feedback to members on planning decisions

When the local planning authority informs the clerk of the planning decision the clerk will forward the outcome to each councillor for their information.