

Wickhambreaux Parish Council Planning Protocol

Wickhambreaux Parish Council (WPC) is a statutory consultee in the planning process. WPC is consulted by the relevant Local Planning Authority (LPA) for planning applications, for example, Canterbury City Council (CCC) or Kent County Council (KCC). Any views expressed by the Parish Council will be studied by the LPA before a decision is made, providing that the points made are relevant planning considerations for the determination of the application. WPC does not make any planning decision; we simply are able to send in our collective opinion.

The LPA makes any final decision using all the relevant documents: the views of all the consultees and any representations from the public. The LPA's decision may not concur with the opinion of WPC, as the LPA is not obliged to be swayed by the weight of Parish Councils' opinions.

The LPA appoints a Planning Officer to investigate and make a recommendation on the planning application. Essentially, an application is assessed against National Policy and the current Canterbury District Local Plan as well as other material planning considerations. WPC also follows these assessment considerations, especially relating the relevant factors to the parish.

The list below highlights some of the important considerations which can and cannot be included when determining an application.

Factors for Consideration

- Central government policy and guidance – Acts, Circulars, Planning Policy Guidance Notes (PPGs) etc.
- The National Planning Policy Framework (NPPF) – the cornerstone of which is sustainable development. Sustainability has three main elements: the economic, social and environmental aspects of development.
- The Canterbury District Local Plan – and any review of the Local Plan which is underway.
- Adopted supplementary guidance – for example, neighbourhood plans, 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 planning matters.
- Effects on an area – this includes the character and appearance, intrusion into the countryside, availability of infrastructure, density, size, over-development, layout, position, form, materials to be used, quality of design and external appearance of buildings and landscaping.
- The economic benefit of the proposal
- 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 significant overbearing, loss of light, overshadowing, visual intrusion, significantly increased 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 bats, badgers, great crested newts etc.
- The amount of harm which an application may cause to a Conservation Area and weighing this against public benefits.
- 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 community uses – such as playing fields, village shops and pubs.
- Need for the development.
- 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).

Factors which cannot be taken into consideration

- Speculation over future use.
- The personal circumstances of the applicant or the occupants of the planning site.
- Unfair competition or loss of trade to a competitor.
- Disputes between neighbours.
- Breach of agreements, covenants and personal property rights, including personal (not public) rights of way.
- Loss of view.
- Ancient rights to light.
- 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 applicant's motives, record, reputation, or level of profit likely to be achieved.

Other matters of concern

The applicant must provide enough information for the application to be determined although the Planning Officer may request extra information. Some matters can be resolved by way of conditions included as part of the planning assent.

Certain issues may not be considered as 'objections' but can be raised. These include:

- The proposed type and colour of the materials to be used
- The exact nature of any proposed planting or boundary treatment
- External lighting: WPC requests that the nature of applicants' lighting complies with our Dark Skies policy. We are keen to preserve the rural nature of the village, both day and night, so we can benefit from being able to admire starry skies and minimise light pollution. In addition, we wish to prevent any harm or deterioration to biodiversity and wildlife.

WPC's Planning Procedure

The application

Applications to the LPA are now made online, and this generates a set of web pages where all the relevant documents for the application are collected. The state of extant planning applications are sent electronically to the WPC Clerk, who posts a link to the relevant webpage on the [Planning Applications page of the WPC website](#). For CCC, select the 'Documents' tab on the destination page to find the document set.

The application is placed on the agenda under 'Planning' for the next meeting of the WPC. Agendas are published at least three days before the meeting takes place. Copies are placed in the WPC noticeboard. Residents can sign up for email notifications of new items on the website that will provide a link to any new agenda in their email inbox.

There is a 21-day statutory deadline from the date of posting on the LPA's site for comments to be made. If the statutory deadline is before the next meeting, which happens sometimes, the Clerk can ask the LPA for an extension. Extensions are usually granted, but sometimes only to the Parish Council and not to residents. In some circumstances, WPC may hold an extraordinary meeting to consult with residents over the application to make a fully informed and representative response.

The Council has nominated two Councillors with responsibility for planning and they act as 'planning leads.' They investigate the application, liaise with the Planning Officer and may wish to visit the site before the WPC meeting to form their opinion. If a visit is deemed necessary, this will be arranged with the applicant or their agent at a convenient time. Personal WPC identity cards will be shown.

Sometimes WPC will also arrange site visits with the Planning Officer or other consultees such as the Environment Agency or KCC Highways. Meetings are requested to discuss and obtain specialist knowledge about issues of concern. Our County and City Councillors can be called upon for information or assistance within their respective councils.

Forming an opinion

WPC's opinion is generally made at our monthly public meeting. At the start of the meeting, any Councillor with an interest in a planning application under consideration will make a declaration of this and will not vote on the application. When WPC is considering an application submitted by a Councillor, the Councillor will be asked to leave the meeting for the duration of the discussion and voting.

WPC very much welcomes and seeks views from residents, applicants or their agents, asking them to come to the meeting to discuss applications. The planning items are usually moved up the agenda, so members of the public can participate by listening or contributing early in the meeting and then leave.

However, attending meetings is not necessary. If it is preferred, any views can always be communicated to any Councillor or our Clerk outside of a meeting when anonymity will be protected. Any comments that we receive are respected and considered. We do not reveal names or contact details of those wishing to comment to us.

Residents are also encouraged to send representations directly to the LPA by using the appropriate internet site, email or letter. This information is published as part of the planning application on the LPA website as a public document with signatures and contact details removed. Please be aware of the 'considerations' outlined at the start of this document so you are making a response that will be counted as relevant.

WPC Meeting

When discussing a planning application, it is usual at the WPC meeting for standing orders to be suspended to allow any members of the public to make comments on the application and these will be considered in the subsequent decision. This section of the meeting is not minuted. After public discussion, the Council will then restart the standing orders and have a discussion before voting on the response.

The Council encourages unanimous decisions on planning matters but does respect that on occasions Councillors may have differing views. There will be a vote and majority view will prevail. In the event of a tie, the Chairman has a casting vote. There is the right within Standing Orders for a Councillor to request a "recorded vote". The Clerk will show in the minutes of the meeting the way that each Councillor voted by name.

When the Council's decision is to recommend that the LPA grants the application, the Clerk will write a supporting response to the LPA. This can simply be 'The Parish Council supports this application', and if possible, reasons for support will be included.

If the Council's decision is to recommend the refusal of the application, the Clerk (or in some circumstances the planning lead Councillor/s) will write a letter including the reasons why WPC requests that the application be denied. The letter will be sent by the clerk.

If for any reason WPC wish to remain neutral or cannot form a majority response, this too will be conveyed to the LPA via the Clerk.

Any WPC response will appear on the LPA's webpages for the application.

In some circumstances, WPC can ask the local Ward Councillor to 'call in' an application so that it is decided by the Planning Committee, rather than the delegated powers of a Planning Officer. To be called in, the application needs to meet the CCC's criteria: "there is a demonstrable wider public interest beyond local objection that would justify an application being decided by the planning committee as opposed to being decided under delegated authority". The Planning Committee meets monthly, and it is possible for supporters and objectors of the application to speak at the meeting. If possible, a WPC Councillor will attend the meeting to exercise this right. Arrangements for calling-in an application will be made via the Clerk.

It should be strongly noted that the number of objections to an application is not a reason for the Planning Officer to refuse an application. The LPA is legally obliged to consider the comments from neighbours and others. However, an application is assessed according to policy and planning reasons, not because of the number of objections. The Planning Officer decides how much weight should be given to the relevant comments on the final decision.

The Decision

The LPA usually decides within 8 weeks for minor applications and 13 weeks for major ones.

Outcomes of planning decisions are available on the LPA's website and are also sent electronically to the Clerk, who posts links to them on the Planning Applications page of the WPC web site. The outcome of the decision is also included in the next WPC meeting and will be minuted.

In certain circumstances, a decision can be challenged in the courts, if there is concern that the LPA has acted unlawfully.

However, it should be noted that the only means of appeal is by the applicant for a refused application. The appeal must be lodged within a certain time frame and will be investigated and determined by a Planning Inspector.