

**COMMUNITY COUNCIL ADVICE NOTE:
Material Planning Considerations**

Nov 2016

What is the planning system for?	
The planning system operates in the long term public interest. It does not seek to protect the interests of one person or business against the activities of another. The basic question is whether the proposal would unacceptably affect the amenity and existing use of land and buildings which ought to be protected in the public interest, not whether owners or occupiers of neighbouring or other existing properties would experience financial or other loss from a particular development.	
The Statutory test	
Decisions on planning applications must be made in accordance with the development plan unless material considerations indicate otherwise. This means that if the proposed development conforms to the development plan, it should be approved unless there are good planning reasons not to do so. If it does not conform to the development plan, it should be refused unless there are good planning reasons to approve it. There is in effect a presumption in favour of development if it conforms to the development plan.	
In deciding what are material planning considerations, the courts have said -	
<ul style="list-style-type: none"> • It should serve or be related to the purpose of planning. It should therefore relate to the development and use of land, and • It should fairly and reasonably relate to the particular application 	
Examples are set out below.	
Material Planning Considerations – these are details we can take into account when assessing planning applications.	
<i>Development Plan</i>	Does the proposal accord with the development plan? If not, are there particular planning reasons why it should be approved. If it does conform, are there any planning reasons why it should be refused?
<i>Use</i>	Is the use compatible with the character of the area? Does it affect residential amenity?
<i>Design – form, massing, materials, density, scale, heights, appearance.</i>	Is the design compatible with the character of the area? Is it too big? Is the architectural quality of a high standard?
<i>Amenity – open space, noise, privacy,</i>	Does the proposal involve the loss of open space? Is there sufficient open space with the new development? Is the development likely to cause noise and disturbance? Does the development affect neighbours’ privacy or cause

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<i>overshadowing.</i>	overshadowing to neighbours' houses or gardens?
<i>Sustainability</i>	Does the development encourage the use of cars rather than public transport? Are there any proposals for renewable such as solar panels?
<i>Landscape and biodiversity</i>	Are there any trees being lost in the new development. Is the standard of new landscaping high? Are there any bats, badgers or otters on the site?
<i>Historic context</i>	Is the development in a conservation area or is it a listed building? Does the development affect the character or appearance of the conservation area? Does it affect the character of the listed building or its setting?
<i>Parking and access</i>	Is there sufficient parking in the development? Is the access safe for drivers and pedestrians?
<i>Developer contributions</i>	Does the developer have to pay contributions to upgrade the infrastructure? Is there a requirement for affordable housing?
<i>Likelihood of success at appeal</i>	Have similar cases been sustained on appeal and permission granted?
<i>Economic benefits</i>	Will the development be good for the economic viability and vitality of the area?

Non-Material Planning Considerations – these are details we cannot take into account when assessing planning applications.	
<i>Loss of house value</i>	This relates to private interests and cannot be taken into account
<i>Land ownership</i>	Anyone can apply for planning permission on any piece of land. They do not have to own it. The applicant must inform the owner they are making an application. However, the fact that they do not own the land is not a reason for refusing an application.
<i>Loss of private view</i>	This relates to private interests and cannot be taken into account. Public views can be considered.
<i>Structural issues</i>	This is dealt with through the building warrant process and is not a planning matter.
<i>Precedent</i>	Each case must be determined on its own merits and not a search for precedents. However, other development may contribute to the established character of the area.
<i>Development not needed.</i>	This is a decision for the applicant not the planning authority.