

Planning and the Parish Council

The Parish Council strives to ensure the decisions and recommendations it makes on planning applications are transparent and inspire confidence. This note provides a brief guide on planning¹, the role of the Parish Council and related procedures including ways in which the community can make its voice heard. Some procedures are good practice and not defined by law. This note provides further transparency around existing procedures so that everyone has a shared understanding of them.

Development Control / Development Management

The District Council is the responsible planning authority and controls development by responding to applications for permission to carry out new building, extensions, alterations or changes of use.

Some proposals (like certain small extensions) are known as “permitted development”, which means that they can be built without further planning permission being required. However, in certain cases, permitted development rights may have been withdrawn by the District Planning Authority and specific permission is required for any alterations to the property. In addition, other properties such as listed buildings or buildings in non-residential use – may have extra protection under other legislation or will automatically need to be made the subject of a planning application. Some areas are protected by special status, including for example Conservation Areas and Sites of Special Scientific Interest. Here special attention will be paid to development to ensure it does not harm the character, appearance or ecological value of that area.

Most planning applications are dealt with by the planning authority’s officers, but approvals of major applications (eg. housing estates or supermarkets), are dealt with by area committees or even central government (as in the case of the Long Marston Eco-town). Other applications may be called in automatically for a decision by the area committee where the Parish Council state a view on the application which is contrary to that of the planning officer, and express planning reasons for taking that view.² Additionally, if in the opinion of the local Ward Member there is uncertainty in the matter the Ward Member can recommend that the application goes to committee.

About 86-87% of applications are decided by officers without being reported to Committee. In these cases, the case officer will report the recommendation to a senior officer with delegated authority to make decisions. The case officer’s recommendation may or may not be accepted and the decision is not made until the formal Notice of Decision is signed by the senior officer.

¹ This note sets out the role of the Parish Council in the planning process. It is intended as a broad introductory guide. For definitive and detailed guidance reference must be made to the District Council as the responsible planning authority.

² A formal Scheme of Delegation in the Council’s Constitution sets out the parameters for delegated decision making.

Decisions are dispatched shortly after being made. Anyone who has commented in writing on the application will normally be notified by the planning authority of the decision by letter within 2 weeks.

Decisions about planning applications will be guided by the planning authority's policies for development. Relevant local policies are put together to provide a 'local development framework' (LDF). The District Council publish specific guidance for people wishing to extend a residential property to ensure that extensions do not harm the appearance of the area, the neighbours enjoyment of their own property or other features of importance.³

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Loxley Parish Council is consulted by the District Council on planning applications within the Parish. While the Parish Council does not make planning decisions (it does not grant or refuse permission) it does submit observations to the authority, which the District Council can take into account when making a final decision.

In some cases, even where an objection is raised, the District Council may decide that other planning-related considerations outweigh local concerns and permission will be granted. In other cases, permission might be refused and the applicant will exercise their right of appeal to the Secretary of State via the Planning Inspectorate, to have the refusal reconsidered and sometimes overturned.

When the Council receives a planning application it will be discussed at the next full Parish Council meeting wherever possible. Planning applications are listed on our meeting agenda. For all applications, at least three Parish Councillors make a site visit and, if it can be arranged, would discuss the application with the applicant before formulating a reply to the District Council. If the application is to be discussed at a formal Parish meeting, the applicant and any parishioners may attend to express their views.

However, the District Council usually requires a reply within two weeks, whereas the Parish Council only meets every six to eight weeks. Planning authorities require quick replies because the timescales for dealing with planning applications are identified at national level and in most cases will require a decision from the District Council within 8 weeks⁴. This often means that the Parish Council has to respond between its regular cycle of formal meetings. In these circumstances the Councillors would use their best endeavours for a quorum of the Parish Council to discuss the application with the applicant.

³ Stratford-on-Avon District Council. Extending your home: A planning guide for householders. Planning Advice Note, April 2008.

⁴ The applicant has a right of appeal if the council does not make a determination of the application within those 8 weeks, although they can agree an extension of time with the council if they wish.

There are rules that guide Parish Councillors behaviour in public life.⁵ Councillors must declare their interest in a matter to be discussed at a meeting as soon as they are aware they have an interest. Councillors with a declared interest may remain to make representations at the meeting as a member of the public. However, the Councillor must leave the room when the Council moves into decision-making and cannot be present for any vote.

The Parish Clerk has an important role in advising the Chair to ensure probity at all stages in the decision-making process and in offering impartial guidance to the Parish Council on their responsibilities and ensuring that the proper procedures are followed.

The Village Design Statement

The Parish Council's view on community needs is informed by the Parish Plan and specifically the Village Design Statement (both of which can be downloaded from this site).

The Parish Plan covers a whole range of social, environmental, economic and cultural issues. The Design Statement relates much more closely to the use of space in the community. It is a guide to physical characteristics that make the Parish distinctive and new developments can then be designed to blend in with these features.

Both the Parish Plans and the Design Statement have been 'adopted' as a local information source to offer advice to the relevant departments of Stratford-on-Avon District Council and importantly can be used as a material consideration in processing planning applications.

Commenting on Planning Applications – making your voice heard

Planning applications can be viewed on-line either going direct - or via the link on this page - to the District Council website. On the District Council website it is possible for you to submit your comments on-line for some applications. You can also make your comments on a planning application known to the relevant officer at the District Council. Any comments must be made in writing and will be in the public realm.

The District Council will also provide advice about your proposal before you submit an application. This advice can be provided in several ways, namely:

- Telephone – general advice only ie not site specific
- A short planning surgery meeting with a Planning Officer
- Written enquiries to Planning Services.

⁵ Rules come from the Local Government Act 2000 and Codes of Conduct for England or for Wales. For example, councillors must avoid bringing the council into disrepute, and mustn't use their position to secure advantage or disadvantage. They must promote equality and treat people with respect. Each councillor completes and signs a register of their interests. There are sanctions if councillors break the Code of Conduct.

You can let the Parish Council know your views verbally or in writing and/or, if appropriate, attend our meetings and voice your views. The Parish Council will consider, but not be bound by, comments and representations made to them in arriving at its decision.

Comments need to relate to planning issues, rules and policies, and whilst these may vary with the nature of the proposal and the site, relevant issues may include for example:

- Structure Plan and Local Plan
- Government Guidance and Orders
- Case Law and previous decisions
- Highway safety and traffic
- Noise, disturbance and smells
- Design, appearance and layout (further guidance here is set out in the District Design guide).
- Conservation of buildings, trees, etc
- Residential amenities.

These examples of planning matters might be 'material' to an application, therefore the Parish Council is entitled to make comments on any of these and other planning-related issues. In arriving at a decision each application is dealt with on its own merits.

Issues that are not usually relevant in reaching planning decisions, whilst varying from case to case, would tend to include, for example:

- Matters covered by other laws (e.g. alcohol licence)
- Private property rights (e.g. boundary or access disputes)
- The developer's morals or motives
- Possible future development
- Loss of view over other people's land
- The age, race or gender of the applicant and similar issues
- Effect on value of property.