

Warbleton Parish Council

www.warbletonparishcouncil.org

Processing planning applications

1. Planning Responsibilities

The Statutory Planning Authority for Warbleton Parish is Wealden District Council (WDC).

Warbleton Parish Council (WPC) can neither give consent to planning applications, nor prevent applications, but it does have a right to be consulted on all planning and development applications and decisions relating to the parish.

Decisions within WDC may either be delegated or passed to the district Planning Committee:

a. Delegated Decision

The majority of applications are decided by the District Council's officers, under powers delegated to them by the Council [WDC]. This arrangement tends to apply to the more straightforward applications, so the District Council's Planning Committee can concentrate on more complex applications. In these delegated cases, officers have assessed the proposal against the relevant planning policies and other material considerations, including representations made by local residents and the relevant Town or Parish Council. The case officer then makes a recommendation for approval or refusal of the application, which is then reviewed and agreed by senior officers.

b. Planning Committee

For cases larger and more significant in nature the District Planning Applications Committee made up of elected members will make a decision. Written reports are made to the District Council's Planning Applications Committee, with a recommendation from the case officer. These are generally applications that raise policy issues or where there is a difference of view between officers and Town/Parish Councils, or a significant level of public objection.

The Planning Applications Committee can decide to:

- Grant planning permission, with or without conditions, with reasons
- Refuse planning permission, with grounds of refusal
- Defer for further information/negotiations/site visit
- Be "minded to approve" an application, subject to resolution of outstanding points (for example a legal agreement) with delegation of a final decision to the Director of Planning and Environmental Services

Wealden District Councillors are able through the WDC Scheme of Delegation make representations to the officers on points of concern raised by parish councils and residents, and can ask for an application to be "called in" for the case decision to be considered and made by the Planning Committee instead of by officers.

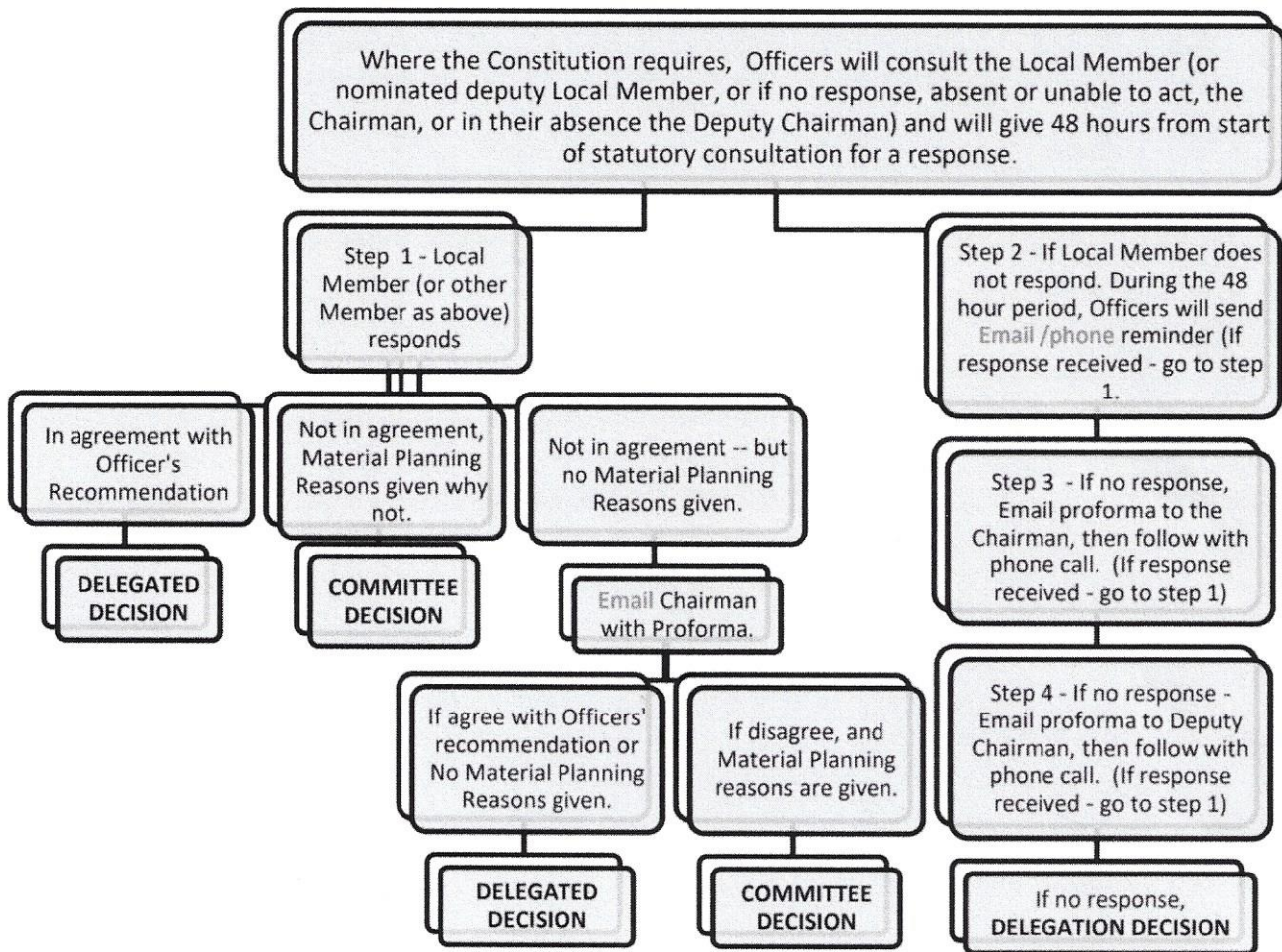
The relevant extracts from the Wealden District Scheme of Delegation follow this page.

- a) Where, either:
- 1) a Local Member for the planning application site, or
 - 2) another Member of the ward for the planning application site, or
 - 3) a Member of a ward that shares a boundary with the ward of the planning application site and the planning application materially impacts residents within their ward;
- has, in writing and based on relevant material planning considerations, requested, within **23 days** of an application being put out for original consultation, that an application or consultation response goes to Committee (including any applications to be determined by the County Council for which representations are sought).
- b) Approval of a planning application where 3 or more objections have been received (from different households), or a substantiated material planning objection has been received from the local Parish or Town Council, and the Local Member has not agreed to the delegated approval of the application, subject to the Local Member giving relevant material planning reasons for not so agreeing.
- c) Refusal of a planning application where 3 or more statements of support have been received (from different households), or a substantiated material planning statement of support has been received from the local Parish or Town Council, and the Local Member has not agreed to the delegated refusal of the application; subject to the Local Member giving relevant material planning reasons for not so agreeing.
- d) Where the **HPES (or the HPPEDCC)** decides that it is not appropriate to exercise the delegation arrangements for any reason.
- e) Approval of residential developments of 30 dwellings or more (15 in the High Weald AONB), where the site is unallocated or outside any development boundary.
- f) Where the Council either directly or as an owner or as a major partner in proposals for the development of land is the applicant, or has a direct financial interest (save interests related to Council Tax issues) in the proposed development and that application has attracted at least one objection or a material planning objection from the Parish or Town Council and is otherwise not delegated due to one of the other objections listed.
- g) Approval of a planning application where a Member of the Council, Officer or near relative or partner has submitted the application in their private capacity and/or it relates to land owned by a Council Member, Officer or near relative or partner and that application has attracted at least one objection or material planning objection from Parish or Town Council and is otherwise not delegated due to one of the other objections listed..
- h) In respect of any planning application for substantial demolition of a Listed Building(s) which would require referral to Historic England.
- i) Where the Local Member for the relevant site has, in writing and based on relevant material planning reasons, requested a report to Committee setting out enforcement options for an alleged planning enforcement case in their ward.

Notes:

absence, the Deputy Chairman.

Officer Delegation Arrangements where Constitution Requires Local Member to be contacted:



2. The Planning Process

The whole process of advertising applications and providing comments is done on-line through the WDC portal which can be accessed at <https://planning.wealden.gov.uk>

When an application is received it is validated by the WDC Planning Department to check that:

- the forms have been completed correctly and are signed and dated
- all relevant information and plans have been included and are of a recognised scale
- the correct fee has been paid

Once an application has been validated, a period is allowed for the application to be determined. Within this period, parish councils are invited to submit their comments.

Members of the public may make their comments directly on the WDC website and there is also an opportunity to register an interest in speaking at the District Planning Committee meetings, focussing on issues which the planning officers are allowed to consider.

Once a decision has been made, a formal decision notice is issued to the applicant or agent. If it is approved, the decision notice will set out the planning policies relating to the development. It will also set out any conditions relating to the approval. An applicant, who is dissatisfied with our decision on an application, can appeal to the Secretary of State for a review. Only the applicant/s for the original application or an agent acting on their behalf can appeal a decision.

3. WPC's Role

Parish councils are invited to comment in one of three ways:

a. "No comment/objection"

This indicates that WPC has no strong views either way on an application. This will be treated by the WDC as a neutral comment, allowing it to determine the application either way (for approval or refusal) under delegated powers.

b. "Object"

This indicates that WPC has objections to the application and its submission to WDC should set out the reasons for objecting. In such circumstances, WDC can refuse planning permission under delegated powers, but will need to report the application to the Planning Applications Committee for determination if the officer recommendation is for approval and the objection received from the WPC is based on reasonable and sustainable planning grounds.

c. "Support"

This indicates that WPC supports the application and its submission to WDC should set out the reasons for supporting. In such circumstances, WDC can refuse planning permission under delegated powers, but will need to report the application to the Planning Applications Committee for determination if the officer recommendation is for refusal and the support received from WPC is based on reasonable and sustainable planning grounds.

WPC policy is to submit a comment in respect of all applications.

In commenting on applications WPC seeks to protect and enhance the character and appearance of the parish; to ensure that any development, whether new or an alteration to an existing property, will be sympathetic to its surroundings; to increase, wherever practicable, facilities for parishioners; to conserve wildlife, flora and the countryside; to focus on sustainability and to recognise the importance of its location within the district.

4. WPC's Consultation Process

In its assessment of planning applications, WPC consider all shades of opinion which are canvassed:

- in part through discussions with interested parties where possible,
- in part through residents contacting WPC directly,
- in part through monitoring comments made on the WDC website, and
- in part with reference to the wider interests of the village communities taking into account planning guidelines and constraints.

It is important that WPC is made aware of peoples' views at the earliest opportunity as this is the only certain way that the Council has of knowing what views and /or concerns there are.

WPC recognises that for a variety of reasons some villagers may wish to express their views on an application on a confidential basis, and not to have their names in the public domain. In these circumstances parishioners are encouraged to contact WPC's Clerk who will keep all such comments confidential but will collate and discuss these with other councillors on an anonymous basis before the Council's submission is made.

5. WPC's Assessment Process

WPC Planning Committee meetings are convened on a three weekly cycle as required, to discuss new applications and to review decision notices. Details of the meetings are advertised according to statutory timing requirement (three clear working days prior to the meeting) on the parish council website and on village notice boards. Members of the public are welcome to attend.

Following discussions by the WPC Planning Committee, and it noting any contribution from members of the public presented during the open forum (a 15 minute period at the start of the meeting) , the response with supporting comments will be agreed by the Committee and passed to the Clerk of the Parish Council who will formally submit the comments to WDC Planning Department.

An update is given at each WPC Planning Committee meeting on current and ongoing planning applications, and reported via the meeting minutes.

Consideration of Planning Applications

All comments the council [WDC] receives about a planning application will be considered, but only comments which raise material planning considerations can be taken into account when an application is decided.

Therefore, objections may not always result in planning permission being refused, because there are other factors such as the planning policies of the council and central government which may outweigh the objections.

The strength or volume of local opposition (such as petitions or multiple copies of the same objection letter) is not in itself a material planning consideration, but if the content of such objections is focused on the material planning issues then they can be taken into account.

WPC will also take Material and Non-material considerations into account when deciding on planning enforcement matters in preparing their response:

Material planning considerations:

Material planning considerations can include (but are not limited to):

- Overlooking/loss of privacy
- Loss of daylight/sunlight or overshadowing
- Scale and dominance
- Layout and density of buildings
- Appearance and design of development and materials proposed
- Disabled persons' access
- Highway safety
- Traffic and parking issues
- Drainage and flood risk
- Noise, dust, fumes etc
- Impact on character or appearance of area
- Effect on listed buildings and conservation areas
- Effect on trees and wildlife/nature conservation
- Impact on the community and other services
- Economic impact and sustainability
- Government policy
- Proposals in the Local Development Plan
- Previous planning decisions (including appeal decisions)

Issues which cannot be taken into account:

- Who the applicant is/the applicant's background
- Loss of views
- Loss of property value
- Loss of trade or increased competition
- Strength or volume of local opposition
- Construction noise/disturbance during development
- Fears of damage to property
- Maintenance of property
- Boundary disputes, covenants or other property rights
- Rights of way
- Personal circumstances are generally not a material planning consideration