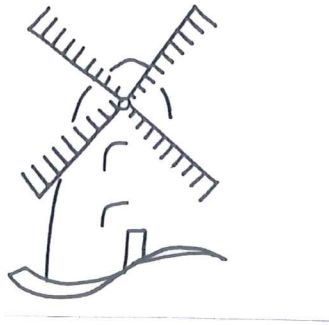


# HIGH HAM PARISH COUNCIL



## **1) Planning and High Ham Parish Council**

The Parish Council strives to ensure that the decisions and recommendations it makes on planning applications received are transparent, inspire confidence and are managed in a consistent manner to ensure clarity of approach. This note provides a brief guide on the planning, the role of the Parish Council and related procedures including ways in which members of our 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 in order that clear expectations prevail across our community. It is recommended, however, that the information that follows is read in conjunction with the comprehensive guidance and supporting information available on the South Somerset District Council (SSDC) website relating to planning matters.

## **2) Development Control / Development Management**

SSDC 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 However, in certain cases, permitted development rights may have been withdrawn by the Planning Authority and specific permission is required for any alterations to a property.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 (case officers), but approvals of major applications, for example, larger housing developments, are dealt with, in our area, by the 'Area North Committee' or even central government, if appropriate. If in the opinion of the local Ward Member, in our case Councillor Gerard Tucker, there is uncertainty in the matter the Ward Member can recommend that the application goes to the Area North Committee.

The vast majority of applications (around 95%) are decided by officers without being reported to the Area North 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.

(A formal Scheme of Delegation in the Council's Constitution sets out the parameters for delegated decision making).

Applications can be determined by officers if:

- 1) They conform with planning policy;
- 2) There have been no comments opposing the application raised.

The PC has a role to discuss the application, raise any local concerns or observations and submit their response along with other statutory consultees. In the event of a single response being submitted which opposes the officer's recommendation, the ward member is asked for their input. This can take a number of different routes:

- 1) The ward member can agree with the officer and recommend acceptance or refusal of the application;
- 2) The ward member can disagree with the recommendation and suggest the application is called in to the Area North Committee;
- 3) If the ward member recommends an application is brought forward to the Area North Committee, the chairperson of that committee then decides if the application is heard (or not).

Decisions are dispatched shortly after being made.



### 3) Planning Policy Guidance

Decisions about planning applications will be guided by the Planning Authority's policies for development. Relevant local policies are put together to provide a 'Development Plan' and a 'Local Plan'. The SSDC Local Plan (2006 – 2028) can be found on their website and must be in accordance with the Government's National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

SSDC 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. Full details can be found on the SSDC website.

### 4) Agricultural or Forestry Developments

Additionally, 'permitted development rights' are available for agricultural and forestry developments and can be considered for approval by the Planning Authority under the provisions of 'Schedule 2, Part 6 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)'. Full guidance on the provisions that apply are available on the SSDC website.

### 5) The Parish Council's consultation role following receipt of a planning application

As mentioned above, High Ham Parish Council is consulted by the District Council on planning applications within the Parish under statutory consultation arrangements that apply. Whilst the Parish Council does not make planning decisions (it does not grant or refuse permission) it does submit observations to the Planning Authority, which SSDC must take into account when making a final decision.

In some cases, even where an objection is raised by the Parish Council, SSDC 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 Parish Council receives a planning application it will be discussed at the next full Parish Council meeting wherever possible. Planning applications are listed on our PC meeting agenda. For the majority of applications, no formal consultation will be undertaken with neighbours to the application site or the applicant. ***It should be noted that there is no statutory obligation imposed on the PC to consult when planning applications are received.*** However, if the nature of the application, due to its potential impact on visual or residential amenity, is such that the Parish Council deem it appropriate to make a site visit and consult on a wider basis with all interested parties, this will be the case and a site visit arranged.

Should applicants wish to discuss their proposals with the PC on an informal basis prior to submission to SSDC, this can be done, however, no formal discussion will take place at a PC meeting, or a decision made, until the proposal has been received by the PC as part of the statutory consultation process from SSDC. Applicants are strongly advised to fully consult their neighbours when submitting an application as this will be helpful to all parties involved.

All applications will be discussed at a formal Parish Council meeting, allowing the applicant, or their agent, and any parishioners to attend and express their views. It is fully acknowledged that planning matters can be very emotive at times but it is important to remember that parishioners must restrict their concerns to what are considered to be 'material planning considerations' only and not see this as an opportunity to discredit any other party in any way. Inappropriate behaviour, in any form, will not be tolerated by the Parish Council and should this be experienced, and continues, the individual(s) will be asked to leave by the Chairman of the PC. (Please see below on how to go about making your views known).

SSDC usually requires a reply within two weeks from receipt of any application and the Parish Council meets on the second Tuesday every month. 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 weeks. This, on occasions, means that the Parish Council has to respond between its regular cycle of formal meetings. In these circumstances Councillors would submit a request for an extension of time to the case officer for the PC's response to be made following one of its formal meetings. Should this not be possible Councillors will exercise their best endeavours for a quorum of the Parish Council to discuss the application and engage with any appropriate interested party.

In the event that an application is refused, the applicant has the right to appeal. The appeal will be heard by an independent Planning Inspector who will consider the merits of the application and all correspondence relating to it. The Inspector will ultimately make a decision for approval or dismissal.

An important point to remember is that if an appeal is upheld, the applicant may be awarded costs which have to come from the public purse. SSDC will be fully aware of the importance of ensuring the whole planning process is robust and conducted appropriately.

The applicant has a right of appeal if SSDC does not make a determination of the application within the 8-week period, although the applicant can agree an extension of time with SSDC if they wish.



## **6) Declaration of Interest**

There are rules that guide Parish Councillors behaviour in public life. 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 mode 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.

(Rules relating to the conduct of Parish Councillors 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).

## **7) Commenting on Planning Applications – making your voice heard**

Planning applications can be viewed on-line via the following link to the SSDC website ([planning@southsomerset.gov.uk](mailto:planning@southsomerset.gov.uk)). On the SSDC 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 with your name and address clearly identified. All comments will be made available on the SSDC website and will, therefore, be in the public domain so this needs to be borne in mind.

Should you wish to submit a planning application, SSDC 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 i.e., not site specific;
- A short planning surgery meeting with a Planning Officer. (There may be a fee for this);
- Written enquiries to the Planning Team at SSDC. (There is a fee for this).

## 8) Viewing a Planning Application

Planning application details can be viewed in person at the SSDC offices in Yeovil, online, or by appointment with the Parish Clerk. Written comments can be submitted in a number of ways:

- **Online** - Comment on or search for a planning application by using the key word search box. The quickest way is to use the application number. You will also be able to view all associated application documents and plans as well as being able to submit your comments using the 'Comments' button and completing the online form then press the 'Submit' button.
- **Email** - Submit written comments by email to: [planning@southsomeset.gov.uk](mailto:planning@southsomeset.gov.uk) quoting the application number and marked for the attention of the case officer, whose name can be found on the consultation letter you have received, the site notice, the website or relevant press advert.
- **Letter** - Send letters to: South Somerset District Council, Brympton Way, Yeovil, BA20 2HT. **Telephone:** 01935 462462 **Text:** Text SSDC to 66777 followed by your query (standard network rates apply)

Please quote the application number and case officer name if known in every communication format.

Comments have to be received within the period stated in the consultation letter received, website or newspaper and site notice, so that your views can be taken into account. Please note that a planning application file is a public document available for inspection, and SSDC will not treat any written comments as confidential.

## 9) Who can comment on a planning application?

Anyone can comment on a planning application during the consultation period. If you live near a proposed development site and share a residential or business boundary you will usually receive a letter from SSDC inviting you to make a comment about the proposal. You can also comment if you are not directly affected, or if you live further away. Notices are posted at the application site and in some instances SSDC also publish a notice in a local newspaper advising of proposed developments.

## 10) What should be covered?

SSDC planning officers look at all planning applications on their own merits, considering the Local Plan (including national and regional planning guidance). You may have a social, political, environmental or purely personal concern about a particular development proposal, but to be effective any objection or supporting statements must focus upon the 'planning merits' of



the case. These would include the relevant planning policies, as well as 'material considerations'. As an example, you cannot say 'this application should be refused as it will reduce the value of my property'. However, you could say 'this application should be refused as the height of the building means that the amount of daylight our property receives will be severely reduced'.

Planning matters that might be 'material' to an application carry significant weight and, therefore, the Parish Council will focus its response around these matters and make comment as appropriate along with any other relevant planning-related issues. In arriving at a decision each application is dealt with on its own merits and discussion/consideration will relate to the specifics of any given planning application before the Parish Council.

The most common material and non-material considerations (although not an exhaustive list) are shown below. Please refer to the Parish website under 'Parish Council' for a full list.

Issues which **are** material considerations and, therefore, can be considered:

- Loss of light or overshadowing
- Overlooking/loss of privacy
- Highway safety
- Adequacy of parking/loading/turning
- Impact on natural environment, for example, loss of trees
- Traffic congestion
- Noise and disturbance resulting from use
- Layout and density of building
- Nature conservation
- Building conservation
- Smells or dust

Issues which **are not** material considerations and, therefore, cannot be considered:

- Loss of views
- The perceived loss of property value
- Private property rights (boundary or access disputes)
- Personal morals or views about the applicant
- Business competition
- Disturbance during development
- The developers morals or motives
- Possible future development
- The age, race or gender of the applicant and similar issues
- Matters covered by other laws

## 11) What happens next?

Your comments will be registered and made available on the SSDC planning website. SSDC does not acknowledge comments – however you may view them via the SSDC planning application search page.

The case officer may contact you to discuss your comments further, to find out what your specific concerns are or to clarify something.

If you have objected or are in support of an application, SSDC will inform you if it is to be determined at their Regulation Committee. (The Regulation Committee determines planning applications that are referred by Area Committees). SSDC will write to you at least 5 working days in advance of any Regulation Committee meeting.

If you have objected to an application, SSDC will inform you of the outcome of the decision.

## 12) How long does it take?

SSDC will endeavour to determine planning applications within the Government set timescales, which are:

- Mineral, Waste and all major planning applications - 13 weeks from the date a valid application is received;
- Routine applications - 8 weeks from the date a valid application is received.

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

**Please note that the above information 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 SSDC as the responsible Planning Authority.**

**High Ham Parish Council  
November 2017**