

Planning Permission - The Limited Role of the Parish Council

What powers does Winterbourne Stoke Parish Council have with respect to planning applications?

Actually, you may be surprised but **Parish Councils have no powers whatsoever when it comes to planning applications**. Winterbourne Stoke Parish Council is consulted by the relevant Planning Authority (which in our case is Wiltshire Council) on all planning applications from within the Parish, which means the Parish Council has the right to comment on a planning application should it choose to do so. This is pretty much the same level of influence as any single parishioner.

Please note that commenting by the Parish Council is not obligatory. Planning applications and meetings rarely fit with the timescale of Parish Council meetings and, whilst best endeavours will be made to hold a Parish Council Meeting to discuss a planning applications between scheduled meetings, this may not be possible for several reasons including:

- Unavailability of sufficient parish councillors for a quorate meeting
- Unavailability of a suitable venue

If the Parish Council chooses to comment on a planning application, the comment will normally be discussed as an agenda item during a Parish Council meeting by all councillors. The sole exception, due to local peculiarities, will be Confidential Planning Applications where the Parish Council's response will be discussed in closed session. In such cases, a resolution will be tabled under s.1(2) of the Public Bodies (Admission to Meetings) Act (1960) to exclude the public from this part of the meeting on the grounds that publicity would be prejudicial to the public interest by reason of the confidential nature of the business to be transacted and the additional requirements for confidentiality imposed by various extant Acts of Parliament.

Comments agreed by the Parish Council will be sent to the Planning Authority by the Clerk

Any views expressed by the Parish Council may be taken into account by the Planning Authority before a planning decision is made, providing the points made are relevant to the determination of a planning application. This is exactly the same as for comments submitted by parishioners.

The planning decision is made by the Planning Authority, not the Parish Council, on the basis of what are known as "material considerations". Consequently, Winterbourne Stoke Parish Council will only discuss or comment on similar considerations.

What will be considered?

These include things like;

- Government Guidance, Planning Policy Guidance and Statements
- History - previous local planning decisions, particularly appeals
- Comments on material considerations received from parishioners
- Amenity e.g. privacy, sunlight, daylight, noise and smell
- Highway safety
- Nature, archaeology conservation and landscape
- Impact upon adjacent land use
- Design
- Human Rights Act
- and many others

What won't be considered?

Winterbourne Stoke Parish Council will not consider matters that are not material or relevant to the application as these are outside the boundaries of the planning process and are regarded more as civil matters between parties. These include things like;

- Loss of value
- Loss of view
- Viability, including matters such as party walls and structures
- Private rights (access)
- A change from a previous scheme
- Moral issues
- Restrictive covenants
- Land ownership
- Competition
- The development has already taken place prior to an application being submitted

Some further observations

Petitions and standard form letters from multiple parishioners, exhorting the the Parish Council to adopt one view, or another, about a particular application, will be treated as a single comment; as they would be treated by the Planning Authority.

It is for the Parish Council to decide on its view of the relative importance of conflicting material considerations in any comments made on a specific planning application; particularly contentious applications.

Planning applications can often be very contentious. All parties are urged to exercise restraint.