

HOPESAY PARISH COUNCIL

PLANNING PROCESS PROTOCOL, POLICY, AND GUIDELINES

1. Planning Applications in general

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

Whilst parish councils do not have the power to grant or refuse planning permission, planning authorities are required to consult parish councils on certain matters affecting their parish; and a parish council is a statutory consultee on:

- the development plan
- local plans
- structure plans (Local Government Act 1972, section 101).

Planning authorities must **inform** local parish councils of applications affecting its parish and consider its views when deciding on planning applications.

So, although Parish Councils are not statutory consultees on planning applications, Hopesay Parish Council is **informed** about planning applications by Shropshire Council the relevant Planning Authority (the Decision-Making Authority). Views expressed by the Parish Council and correctly submitted to Shropshire Council will be taken into account by that Authority before a decision is made, providing the points made are relevant to the determination of a planning application. However, decisions on Planning Applications are made by Shropshire Council, the Planning Authority, **not** the Parish Council.

Hopesay Parish Council will only comment on what are known as “material considerations”. Other issues, such as boundary disputes between neighbours, or loss of views, cannot be submitted as considerations, because they are not considered to be material.

Do Parish Councils grant planning permission?

Town and parish councils are not Planning Authorities. Town and parish councils are not statutory consultees in the planning process. This means that they only have the right to be informed of planning applications within the parish.

They cannot approve or reject planning applications. They can only comment on planning applications in the same way that individuals can comment.

Consequently, the length of time taken to determine a planning application is governed by the local planning authority not the parish council. A parish council can request that it be given extra time to comment on an application, but the decision about whether this is granted rests solely with the planning authority and its own deadlines for decision making.

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How do Parish Councils comment on planning applications?

Parish councils can only agree to comment on planning applications in properly called council or committee meetings which the public can attend.

The comments agreed in the council meeting are submitted in writing (often online) by the parish clerk to the relevant planning authority. The process is exactly the same as that of an individual wishing to comment on a planning application.

Parish councils are neither statutory consultees nor the decision makers; and have no powers to approve or reject planning applications, they can only comment or not on applications.

Parish Councillors and Planning Applications

Parish Councillors are committed to following the current Code of Conduct adopted by the Council, which adheres to the Seven Principles of Public Life, as described in this link:

<https://www.gov.uk/government/publications/the-7-principles-of-public-life/the-7-principles-of-public-life--2>

The Code of Conduct gives full guidance on every aspect of a Councillor's duties and responsibilities. It can be found on the Parish Council's own website, under documents / governance, here:

[Documents - Hopesay Parish Council](#)

If a Councillor is in any doubt about the application of this Protocol to their own circumstances, they should seek advice early on. Hopesay Parish Council expects its Councillors to declare all personal as well as Pecuniary Interests and to leave the room during discussions on planning applications in which they have an interest. For further guidance on personal or pecuniary interests, Councillors should ask the Parish Clerk, or contact SALC, or Shropshire Council's Monitoring Officer.

What are valid reasons for comments in regard to planning applications – in other words, what are “material considerations”?

Central government policy and guidance - Acts, Circulars, Planning Policy Guidance Notes (PPGs) etc.

The Development, County, and Local Plans - and any review of these Plans which are underway.

Adopted supplementary guidance - for example, village design statements such as Neighbourhood Plans, conservation area appraisals, car parking standards.

Replies from statutory and non-statutory agencies (e.g. Environment Agency, Highways Authority).

Representations from others - neighbours, amenity groups and other interested parties so long as they relate to land use matters.

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Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping.

The need to safeguard valuable resources such as good farmland or mineral reserves.

Highway safety issues - such as traffic generation, road capacity, means of access, visibility, adequate car parking, and effects on pedestrians and cyclists.

Public services - such as drainage and water supply.

Public proposals for using the same land.

Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance and smell.

Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments and areas of special scientific interest.

Effects on existing tree cover and hedgerows.

Nature conservation interests - such as protection of badgers, great crested newts etc.

Public rights of way.

Flooding or pollution.

Planning history of the site - including existing permissions and appeal decisions.

A desire to retain or promote certain uses - such as playing fields, village shops and pubs.

Need for the development - such as a petrol station.

Prevention of crime and disorder.

Presence of a hazardous substance directly associated with a development.

Human Rights Act.

Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside).

Note: Attached to this document is **Shropshire Council's** list of what are and what are not *Material Considerations*.

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Irrelevant and invalid reasons for objection?

It may seem callous to some people wishing to object to an application but there are certain matters which do not amount to 'material planning considerations' under current legislation and guidance, and which therefore will not usually be taken into account when considering a planning application:

Speculation over future use

The identity of the applicant or occupant

Unfair competition

Boundary disputes

Breach of covenants and personal property rights, including personal (not Public) rights of way

Loss of a private view

Devaluation of property

Other financial matters

Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention

Religious or moral issues - such as betting shops and amusement arcades

The fact that the applicant does not own the land to which the application relates

The fact that an objector is a tenant of land where the development is proposed

The fact that the development has already been carried out and the applicant is seeking to regularise the situation. Development without prior planning permission is of course carried out at the applicant's own risk!

The developer's motives, record or reputation

Disruption during any construction phase

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Other matters of concern

The person making a planning application has to provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of conditions included as part of the permission.

Certain issues may not be considered as 'objections' but it is entirely reasonable to raise concerns on such issues and to ask to be kept informed before they are approved. These include the proposed type and colour of the materials to be used, and the exact nature of any proposed planting or boundary treatment.

Further Information on Planning generally

Persons are advised to contact Shropshire Council to find out if they need planning permission or building regulations.

Planning applications can be viewed on Shropshire Council's Planning Portal:

[Viewing planning applications | Shropshire Council](#)

Planning Enforcement

Concerns that there may have been a breach in a planning application can be reported to Shropshire Council's Enforcement Team by any individual, by clicking this link:

[Submit a planning enforcement query | Shropshire Council](#)

Or by telephoning or writing to Shropshire Council.

Concerns about planning generally should be raised as soon as possible directly with Shropshire Council, as the most direct means of addressing concerns. However, Hopesay Parish Council can be contacted by emailing the clerk at

clerk@hopesayparishcouncil.org.uk

or alternatively residents can contact their parish councillor, by clicking on the 'send me an email' link which is given on Council's own website, here:

[Your Councillors - Hopesay Parish Council](#)

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2. Major Planning Applications and applications for multiple dwellings

Guidance for Councillors and developers

Hopesay Parish Council recognises that pre-application discussions play an important role in major planning applications and welcomes the desire of developers to consult both the Council and the public more widely. However, the Council is also aware of the importance of public perception in planning and the need to avoid any appearance of secrecy or collusion.

A Parish Council's role therefore, is to enable Councillors collectively to make planning decisions openly, impartially, with sound judgement and for justifiable reasons during Parish Council Meetings.

Pre-Determination

In all meetings with developers, Councillors are reminded of the critical importance of not pre-determining their position on any future application. It is noted, however, that expressing a *pre-disposition*, for example of either 'welcome in principle' or 'concerns', is permissible.

To be clear, a presentation is a form of lobbying; therefore, Councillors must not express any strong view or state how they might vote if a planning application is submitted in the future.

Individual Councillors' discussions

If individual Councillors are approached by developers for informal discussions of possible future applications, all such requests should be notified to the Parish Clerk and referred to a public meeting of the full Council.

Pre-application for public consultations

The Council will, in general, encourage developers to carry out a local public consultation before submitting plans for major developments. Developers will be asked to provide:

- assurance that submission is either already scheduled or firmly planned;
- an accessible venue with suitable scheduling to allow a wide range of people to attend;
- sufficient publicity to reach all likely interested parties in a timely manner;
- a genuinely open mind and willingness to adapt plans in response to feedback.