

ADVICE NOTE: The Role of Parish Councils in Planning

1. "Being involved in town and country (land use or spatial) planning is, for many Councils, their single most important activity". (*The Good Councillor's Guide – The National Training Strategy for Town & Parish Councils, 3rd edition*)
 2. District Councils produce development plans. These set out the District planning policy in and proposals for the area. They identify where development can and cannot take place, the natural and the built environment, and the management of traffic. They will also include neighbourhood plans, where such plans have been produced (see the Advice Notes on the Localism Act 2011 for further information on neighbourhood plans).
 3. Although there are a number of exceptions, anyone wishing to develop must apply to the District Council for planning permission. The District will forward one copy of the application and the plans to the Parish Council. People living in the vicinity of the proposed development will in some cases be told that they can inspect the plans at the Parish Council Offices.
 4. Parish Councils have different arrangements for dealing with planning applications. Some have a separate Planning Committee while others deal with planning applications as part of the normal agenda. The Parish Council is normally given 21 days to comment.
 5. In commenting on planning applications, it is important that the Council considers planning issues. These include:
 - consistency with the development plan for the area
 - traffic and highway safety issues
 - overlooking, loss of privacy and loss of light
 - scale of the development
 - design, appearance, layout and material
 - loss of important open space or physical features
 - noise, disturbance or smells
 - local knowledge of drainage or other possible problems with the surface
 - impact on the surroundings, effect on listed building and conservation area.
- Issues that are not relevant include:
- effect on the value of property
 - loss of view over other people's land
 - possible future development not included in the application
 - private property rights such as boundary or access disputes
 - matters covered by other laws
 - the morals or motives of the developer.
6. Special rules apply for listed buildings, conservation areas and trees (some are protected by Tree Preservation Orders). Planning permission is needed for advertisements above a special size.

7. What is important for members to understand is that, when making comments, personal views on the applicant or the planning application are not relevant. Comments on planning applications should be based on relevant considerations taking particular account of the planning authority's development plan and, if it exists, the parish plan.

8. Where a Parish Council submits comments on a planning application, the planning authority, is required to consider the Parish Council's comments. The District Council Planning officers will consider all the comments received and reflect these in the report made to the District Council Planning Committee.

9. As well as determining planning applications, the District Council has an enforcement role. If development appears to have taken place without permission or if the development is more extensive than given in the planning consent, the District Council's enforcement officer may be invited to visit the site and take any necessary follow up action.

10. There are situations where a member serves on both the Parish Council and the planning authority. In such a situation there is no reason why the member cannot consider the planning application at both Parish Council and planning authority level subject to certain requirements.

- Having expressed a view at a meeting of the Parish Council, it is necessary for the member to consider the matter afresh at a meeting of the planning authority. The member cannot deal with the planning application before the planning authority with a closed mind.
- A member who, perhaps, makes a statement at the Parish Council meeting saying he has made his mind up on a particular planning application will find himself disqualified from consideration by the planning authority and, if he/she participates, runs the risk of challenge.
- In all cases a member must ensure that he or she does not participate or vote on a matter, if he or she has a disclosable pecuniary interest in that matter or if to do so would be a breach of the relevant council's code of conduct for members.