

**PADSTOW TOWN COUNCIL - PLANNING COMMITTEE: 12 APRIL 2022**

**Agenda item 5. To note information from Cornwall Association of Local Councils training.**

Members may recall Support Officer emailed 16.02.22 regarding a training session Cornwall Association of Local Councils (CALC) were running online called 'AN INTRODUCTION TO PLANNING'

The Chairman of planning attended and thought the attached documents (appended) would be a good source of information for committee members to refer to when considering planning applications, along with providing members with the useful websites links (last page of the appendix) which has up to date information on planning.

# Cornwall Association of Local Councils March 2022

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A BRIEF INTRODUCTION TO THE  
PLANNING SYSTEM  
Andrew Towler MRTP

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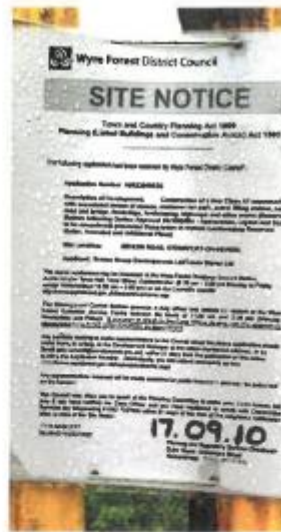
## What is Planning ?

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## Regulates Development?

*"the carrying out of building, engineering, mining or other operations in, on, over or under land, OR the making of any material change in the use of any buildings or other land". Town and Country Planning Act 1990 s.55*



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## Operates in the public Interest

'Planning permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest' NPPF (para 172).

'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss NPPF' (para 195).

'We' not 'I'

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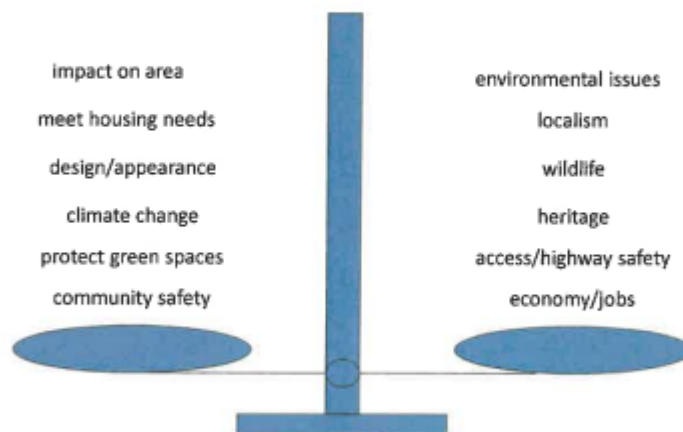
## (Growing) role of councils

- Encouraging PCs (and councillors) to become more involved in the planning system:
  - new powers e.g. neighbourhood plans, NDOs
  - financial inducements (e.g. bigger share of CIL)
  - new requirements e.g. on developers to consult
  - encouraging and making it easier for you enter into pre-application discussions (including changes to pre-determination) etc.
- Representative role
- Eyes and Ears

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Information Classification: CONTROLLED

## Involves balancing issues/benefits



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## Planning is policy-led

- National policy
  - National Planning Policy Framework (NPPF)
  - Planning Practice Guidance
- Unitary Policy
  - Local Plan
- Neighbourhood policies
  - Neighbourhood Plans
  - Village Design Statements



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## Material Considerations

- Include (but not limited to):
  - Layout, density
  - Overlooking/overshadowing/loss of outlook
  - Wildlife/wildflowers/trees
  - Heritage assets
  - Access/traffic
  - Local economy/jobs
  - Preserve community life
  - Design/appearance/materials
  - Noise/smell
  - AONB location
  - Climate change
  - Crime/anti social behaviour
  - Cumulative impact



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## Non Material Considerations

- History / character of applicant
- Personal circumstances
- Impact on individual
- Commercial competition
- Impact on property value
- Matters of decency or taste
- Matters covered by other legislation
- Private issues between neighbours
- Factual misrepresentations of proposal
- Disturbance during development (ish)



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## Planning Applications

- Development requires planning permission
  - Different forms of planning application
    - Full
    - Outline
- Also, some special types of approval e.g., Listed Building, Conservation Area, Advertisement, Prior Approval etc.



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## Permitted Development

- Some development is – permitted development' ('PD')
  - Minor Development e.g. small house extensions (but may require 'Building Control' approval)
  - Similar change of uses i.e. from a shoe shop to a clothes shop
- Minor works by statutory undertakers and other bodies, including parish councils
- Seen huge increase in 'permitted development' rights
- Some areas have special or reduced PD rights – Conservation Areas, Listed Buildings, AONB etc.

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## Who Makes Planning Decisions?

- 100,000s of planning applications determined each year, mainly by unitary councils but Government, County Council & some parish councils
- Each development proposal involves an assessment of the balance of all material considerations (including comments)
- Subject to a period of consultation (normally 21 days) and a number of different groups – (statutory, incl. parish councils)
- Comments to be taken into account if lawful.
- Vast majority dealt with under 'delegated powers'
- Minority determined by Planning Committee but tend to be more the complex or contentious ones

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## Planning Application Decisions

- Refused
- Grant planning permission
- Grant planning permission- subject to
  - conditions
  - planning obligations
- Approval contained in the Decision Note
- Minor (non-material) changes can be made to permission
- Local Authority decision timescales and league tables

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## Unhappy about a planning decision

- Options available to parish councils limited
  - Appeal system (but no third party right)
  - Raise with planning officer (must be able to justify their decision even if under delegated powers)
  - Council's complaints procedure
  - Standards where it relates to the activity of a cllr
  - 'Call In'
  - Rescind
  - Courts (by way of a judicial review)

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## Enforcement

- Any contravention of planning control constitutes a breach and enforcement action may be taken
- Only the LPA can take enforcement action
- Enforcement action is discretionary
- Key considerations whether it unacceptably affects public amenity and in the public interest
- Range of action available from formal to more informal
- Limits for taking enforcement action
- Other agencies may have 'enforcement powers' e.g. police, highways authority, Environmental Health dept

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## A quick word about planning reforms

- Key themes
  - Stripped back local plans
  - National Planning Policy 'would become the primary source of policies for development management'
  - Strong focus on design and design codes
  - Faster and more streamlined planning decisions
  - National binding housing targets
  - Strong focus on addressing climate change
- Some have already been introduced (new NPPF)
- Some aspects may be delayed

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## Commenting on planning applications

- Asked to respond using standard form
- Can be email or letter
- Defensible (balanced judgement, stick to material considerations and consider weight)
- Succinct but evidence based
- Consider conditions
- Needs to be a lawful
- Councillors come prepared
- Councillors also consider probity and Code of Conduct issues
- Not expected to be experts (but expectations higher than for wider community)

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## Useful sources of information

- Cornwall Council website (local plan, conservation areas, TPOs etc.)
- Government (national planning policy & guidance etc) (<https://www.gov.uk/government/collections/planning-practice-guidance>)
- Government's Planning Portal (does it require planning permission etc.) ([https://www.planningportal.co.uk/info/200130/common\\_projects/17/extensions](https://www.planningportal.co.uk/info/200130/common_projects/17/extensions))
- Heritage Gateway (national and local heritage assets) (<https://www.heritagegateway.org.uk/gateway/>)
- Magic (natural environment) <https://magic.defra.gov.uk/>
- NALC/CALC/SLCC - <https://www.slcc.co.uk/advice/>; <https://www.nalc.gov.uk/>

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