

Procedure for Planning Applications

Agreed by the Parish Council on 10th June 2019 – REVIEWED 3/2025

1 Introduction

- 1.1 The Parish Council has only a limited number of days to respond to North Kesteven District Council (NKDC) on a planning application. NKDC usually allow 21 days from the date they send out the letter to parish councils.
- 1.2 It is possible that applications will not arrive in time to be published on a parish council meeting agenda. An extra-ordinary meeting of the parish council may be called, particularly if the application is contentious, but 3 clear days of notification must be given before public discussion may take place. This latter option could effectively reduce the response time to 10 days (including weekends).
- 1.3 Because of time restrictions, the above may not be possible, in which case, the Parish Clerk, as the Clerk, must seek the views of each available councillor by the fastest means.
- 1.4 The Chairman, or in her/his absence the Vice-Chairman, will decide whether it is acceptable for councillors to send the Clerk their individual comments or whether to call a meeting of a Planning Group. This planning group will be made up of the Chairman or Vice-Chairman and any number of councillors who volunteer.

2 Procedure

- 2.1 When the Clerk receives notification of a planning application he/she will email details to all councillors as soon as practicable. Applications can be viewed on the NKDC website <http://planningonline.n-kesteven.gov.uk/online-applications/> using the reference number notified in the e-mail. Councillors are to reply to the Clerk and copy to the other councillors as soon as possible, stating no/any comments. The Clerk will send comments to NKDC annotating them as comments from individual councillors.
- 2.2 The Chairman may decide to call a meeting of a planning group. If any individual councillor feels that a meeting of the planning group is necessary then he/she is to notify the Chairman without delay. If a planning group meeting is called the Clerk is to ensure that all original correspondence is made available to them. A joint reply will be prepared and passed to the Clerk for forwarding to NKDC as a formal parish council response. The reply will be circulated to the other members of the parish council for information.
- 2.3 The Clerk will notify councillors of all NKDC decisions made and place the outcome on the agenda for the next parish council meeting.

3 Notes for good practice

- 3.1 Any councillor with a pecuniary or personal interest in the application (as defined by the code of conduct) must inform the Clerk immediately it is known. He/she will not be permitted to take part in the discussion on the application. Councillors in this category may make comment in the public forum as a member of the public, but must withdraw from the room prior to any discussion.
- 3.2 Where a councillor differs on the findings of the majority (subject to no interest being declared) his/her comments can still be forwarded to NKDC but the comment will note that this is the view of an individual councillor.

- 3.3 Any extraordinary meetings that take place must be conducted in accordance with Standing Orders.
- 3.4 Any comments by the parish council or individual councillors should take into account the NKDC advice for parish councils on planning applications set out at paragraph 5.

4 Discussions with applicants/interested parties

- 4.1 Persons considered to have an interest or are affected by an application are informed by NKDC. Councillors are allowed to listen to comments, whether informally or at meetings (public forum), including any extra- ordinary meetings convened. They should not give comment back as this might be interpreted as the official comment/decision of the parish council. Councillors can inform their fellow councillors of any feedback received.

5 Advice for Parish/Town Councils Commenting On Planning Applications

- 5.1 The Local Planning Authority is under a statutory duty to determine planning applications within a statutory period of 8 weeks for minor applications and 13 weeks for major applications. It is therefore essential that the Parish Council ensure that comments on applications are made within the consultation period outlined in the covering letter. With the opportunity for electronic consultation, extra time cannot be given for matters beyond our control, e.g. a postal strike.
- 5.2 Planning applications must be determined having regard to material planning considerations, these can include:
- The development plan (NKDC Local Plan and County Structure Plan) is the starting point for all decisions
 - In general terms, it is worth bearing in mind that the planning system operates to ensure the "control of land use in the public interest." Whilst matters of broader public interest will often coincide with the interests of individuals, businesses or groups of householders, there are also occasions that they will be in direct conflict. The significance of this in the day-to-day determination of applications is that the issues of most importance to individuals, especially householders, are often very much private in nature and have a minor, if any, role to play in a planning decision. □ A material planning consideration "Must fairly and reasonably relate to the application concerned". Examples include:
 - The number, size, layout, siting, design, external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure. Living conditions for neighbouring residents.
- 5.3 Non - material considerations cannot be taken into account by the District Council, these include:
- Devaluation of property.
 - Personal opinion regarding the applicant.
 - Commercial harm to other businesses from competition. □
 - That many people have objected.
 - The work was commenced without planning permission.
 - Land ownership, Boundary disputes or matters referring to legal covenants.

- Loss of private view.
- Matters covered by other legislation (e.g. Alcohol Licences or Building Regulations).
- Objections based on moral, racial or religious opinion.
- Personal circumstances (except very rarely).
- How the District Council should consider the application.