

# A basic introduction to the Planning System – DAPTC

June 2024

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# What is Planning ?

# 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*



Wyre Forest District Council

## SITE NOTICE

Town and Country Planning Act 1990  
Planning (Listed Buildings and Conservation Areas) Act 1990

The following application has been received by Wyre Forest District Council:-

Application Number: 10/0229/RESE

Description of Development: Construction of a new Class A1 supermarket with associated means of access, customer car park, petrol filling station, new road and bridge, footbridge, landscaping, highways and other works (Reserved Matters following Outline Approval 08/1053/EIA - Appearance, Layout and Scale to be considered) (Amended Description to Include Landscaping Reserved Matter, Amended and Additional Plans)

Site Location: SEVERN ROAD, STOURPORT-ON-SEVERN,

Applicant: Santon Group Developments Ltd/Tesco Stores Ltd

The above application may be inspected at the Wyre Forest Customer Service Centre, Kidderminster Town Hall, Vicar Street, Kidderminster (8.30 am – 5.00 pm Monday to Friday except Wednesdays 10.00 am – 5.00 pm) or via the Council's website <http://www.wyreforest.gov.uk/fastweb/welcome.asp>

The Development Control Section operates a duty officer rota system for visitors at the Wyre Forest Customer Service Centre between the hours of 11.00 am and 2.00 pm (Monday, Wednesday and Friday). If you wish to speak to the Case Officer dealing with the application, please telephone 01562 732928 to make an appointment.

Any persons wishing to make representations to the Council about the above application should make them, in writing, to the Development Manager at the below-mentioned address, or by Email ([dev.control@wyreforestdc.gov.uk](mailto:dev.control@wyreforestdc.gov.uk)), within 21 days from the publication of this notice, quoting the Application Number. Alternatively, you can submit comments on line (<http://www.wyreforest.gov.uk/fastweb/welcome.asp>)

Any representations received will be made available for public inspection and may be published on the internet.

The Council may allow you to speak at the Planning Committee to make your views known, but only if you have notified the Case Officer and you have registered to speak with Democratic Services (by telephoning 01562 732763) within 21 days of the date of the neighbour notification letter or date of the Site Notice.

JOHN BAGGOTT  
Development Manager

17.09.10

Planning and Regulatory Services Directorate  
Duke House, Clonsmore Street,  
Kidderminster, Worcs DY10 2JX

# Operates in the public Interest

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‘When considering applications for development within Areas of Outstanding Natural Beauty....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 177).

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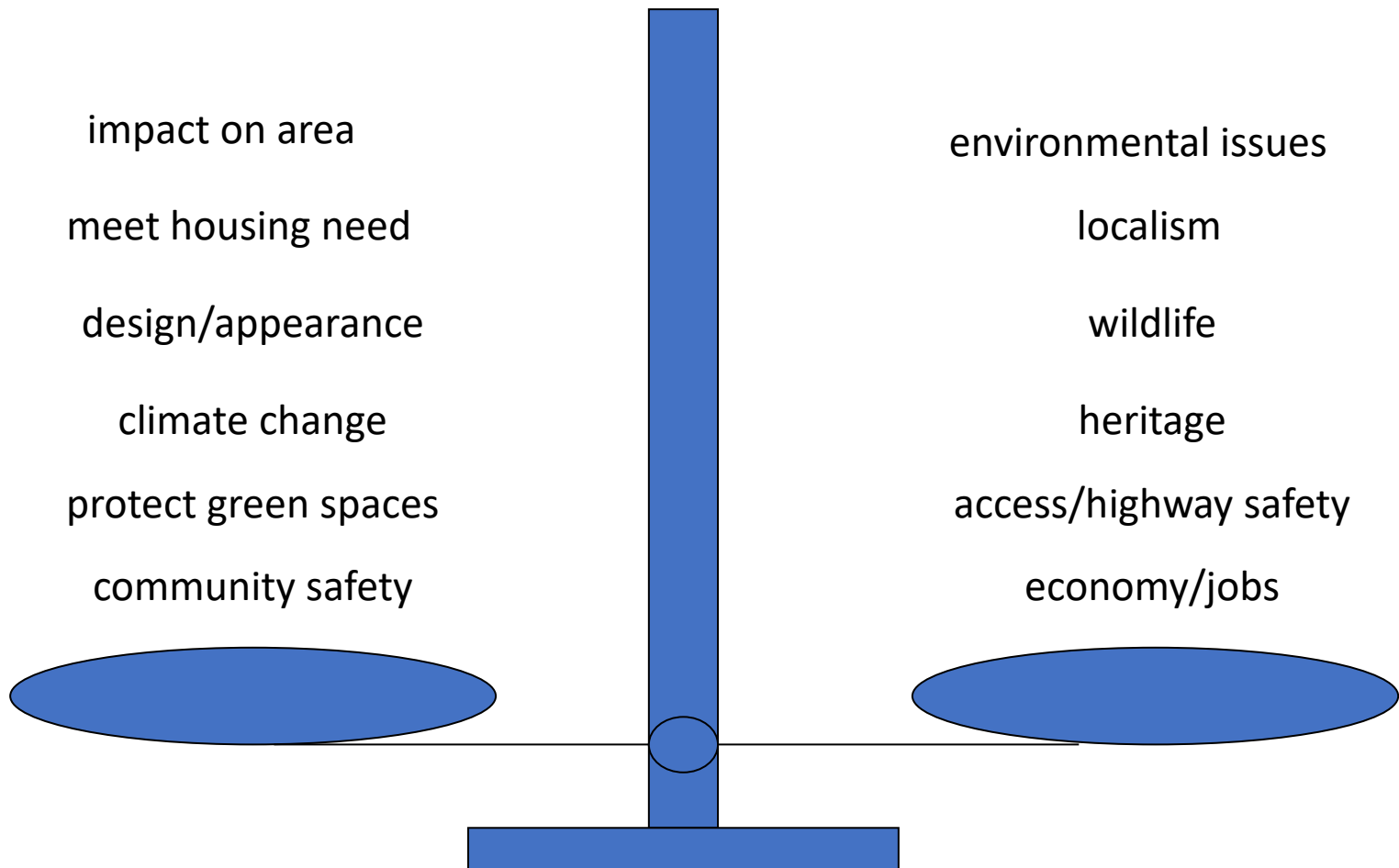
‘We’ not ‘I’

# (Growing) role of councils

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- Encouraging PCs (and councillors) to become more involved in the planning system:
  - new powers e.g. Neighbourhood Plans, Neighbourhood Development Orders, Neighbourhood Planning Statements
  - 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

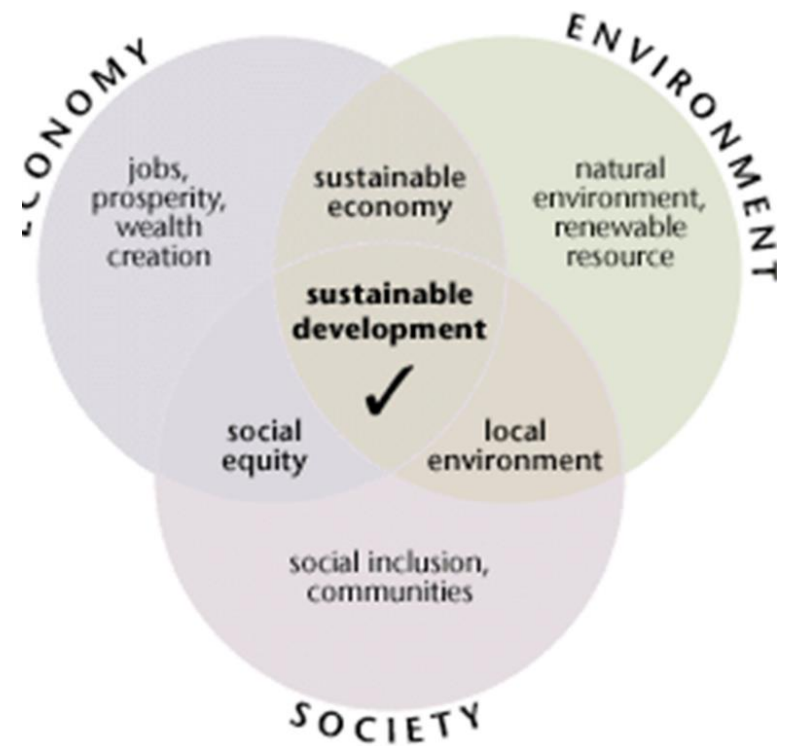
# Involves balancing issues/benefits





# Planning is policy-led

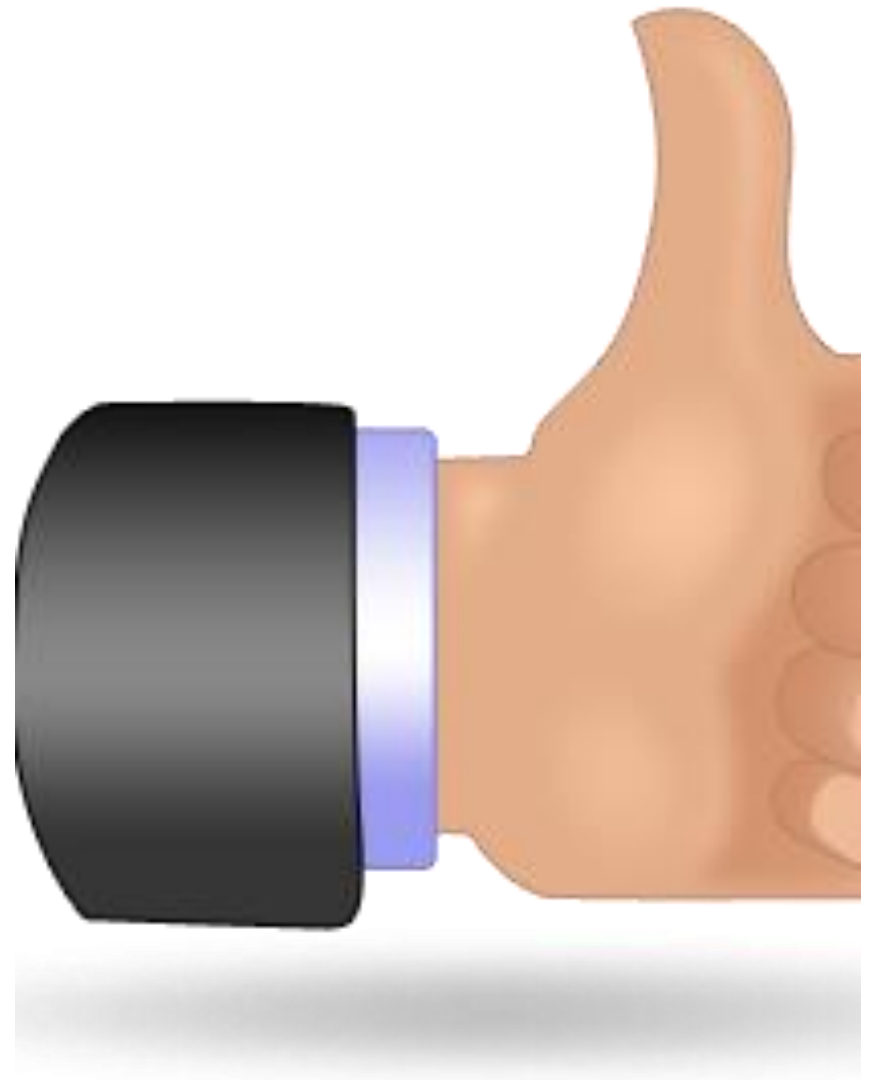
- National policy
  - National Planning Policy Framework (NPPF)
  - Planning Practice Guidance
  - Planning Policies
- District/County policies
  - Local Plan (incl emerging)
- Neighbourhood policies
  - Neighbourhood Plans
  - Village Design Statements
  - Design Codes
  - Neighbourhood Priorities Statements
  - Street Votes/NDOs



# Material Considerations

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- Include (but not limited to):
- Layout, density
- Overlooking/overshadowing/loss of outlook
- Wildlife/wildflowers/trees/agricultural land
- Heritage assets
- Access/traffic
- Local economy/Jobs
- Preserve community life
- Design/appearance/materials
- Noise/smell
- AONBs and other 'sensitive' locations
- Climate change
- Crime/anti social behaviour
- Cumulative impact

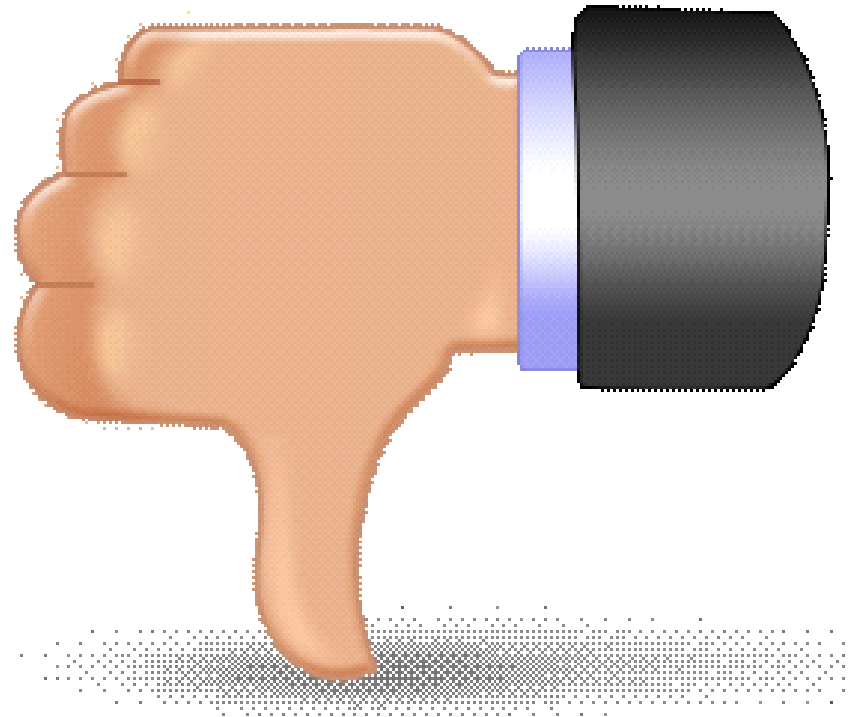




# Non Material Considerations

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- 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 (ish)
- Disturbance during development (ish)



# Planning Applications

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- Development requires planning permission
- Different forms of planning application

Full

Outline

Also, some special types of approval e.g., Listed Building, Conservation Area, Advertisement



# Permitted Development

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- Some development is – Permitted Development (‘PD’)
  - Minor Development e.g. small house extensions (but may require other forms of approval such as Building Control)
  - 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
- Some areas have special or reduced PD rights – Conservation Areas, Listed Buildings, AONB etc.
- Seen huge increase in ‘permitted development’ rights
- Can be amended through an Article 4 Direction
- Prior approval

# Who Makes Planning Decisions?

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- Over 300,000 planning applications determined each year, mainly by unitary/district councils but also County Councils, National Park authorities, Government, Planning Inspectorate and other agencies
- 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

# Planning Application Decisions

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

# Planning Obligations

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- Development should not be a burden on the community in which it takes place
- The New Homes Bonus
- Section 106 Agreement
- Community Infrastructure Levy
- New Single Infrastructure Levy
- Other – inshore wind turbines etc.
- But can't make a scheme unviable



# Quick word about transport

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- The Highway Authority (normally the Borough/district or County Council) is consulted by the LPA on the highway implications of a planning application
- Also, the LPA is statutorily obliged to consult the Highway England
- Take into account their advice, but it is only advice, and the LPA is entitled to consider its own view
- *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'* (NPPF, p.115)
- Technical arguments tend to carry much weight
- Sometimes better to argue on sustainability grounds



# Role of Councillor

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- Take a long term view what is best for the community
- Approach with an open mind (not a closed one)
- Avoid bias: predisposition v predetermination
- Take into account the views of community and applicant (but only one consideration)
- Try to be consistent
- Be prepared
- Like a jury can only base decisions on evidence presented
- Remember Standards and Code of Conduct expectations
- Consultee, eyes and ears but not a decision maker

# Commenting on planning applications

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- 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
- Not expected to be experts (but expectations higher than for wider community)





# Useful sources of Information

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- Local Authority 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/DALC/SLCC - <https://www.slcc.co.uk/advice/>;  
<https://www.nalc.gov.uk/>



ANY  
QUESTIONS OR  
COMMENTS ?

Thank you