

PLANNING APPLICATIONS

This page gives a brief guide to how planning applications are dealt with and the Parish Council's role in the process.

Craven District Council is the only body that can make decisions on planning applications in Craven. Sutton-in-Craven Parish Council is entitled to comment on planning applications but cannot make a decision on them.

Sutton-in-Craven Parish Council receives a copy of every planning application that affects Sutton-in-Craven. Every planning application is considered at the Parish Council Meeting where members of the public are welcome to attend. There is a period called Public Participation which is itemised on the Agenda where members of the public, including those supporting or opposing a planning application, can make statements. Councillors will then discuss and vote on the comments made on each application.

The Parish Council sends its comments to Craven District Council. Members of the public can also submit comments to Craven District Council, either by post or online. All comments are posted on the Craven District Website. A decision will then be made on the application, either by an Officer (employee) of Craven District Council or by a Committee. If the decision is to be made by a Committee the meeting will be advertised and members of the public can attend and make comments. However if the decision is made by an officer it will be made in private.

There is no guarantee that any decision will be in line with Sutton-in-Craven Parish Council's comments but most are since Craven District Council recognises that parish councillors are familiar with their local community.

If permission is refused, or is granted subject to conditions, the applicant may appeal to the Planning Inspectorate (an independent body). However neither Sutton-in-Craven Parish Council nor anyone else opposed to a planning application can appeal if planning permission is granted.

Material Planning Considerations

When a decision is made on a planning application, only certain issues are taken into account, these are often referred to as 'material planning considerations'.

MATERIAL PLANNING CONSIDERATIONS:

Issues that may be relevant to the decision:

(There may exist further material planning considerations not included here)

- **Local, strategic, national planning policies and policies in the Development Plan**
- **Emerging new plans which have already been through at least one stage of public consultation**

- **Pre-application planning consultation** carried out by, or on behalf of the applicant
- **Government and Planning Inspectorate requirements** – circulars, orders, statutory instruments, guidance and advice
- **Previous appeal decisions** and planning inquiry reports
- **Principles of Case Law** held through the Courts
- **Loss of sunlight** (based on Building Research Establishment guidance)
- **Overshadowing/loss of outlook** to the detriment of residential amenity (though not loss of view as such)
- **Overlooking and loss of privacy**
- **Highway issues:** traffic generation, vehicular access, highway safety
- **Noise or disturbance** resulting from use, including proposed hours of operation
- **Smells and fumes**
- **Capacity of physical infrastructure**, e.g. in the public drainage or water systems
- **Deficiencies in social facilities**, e.g. spaces in schools
- **Storage & handling of hazardous materials** and development of **contaminated land**
- **Loss of effect on trees**
- **Adverse impact on nature conservation** interests & biodiversity opportunities
- **Effect on listed buildings** and conservation areas
- **Incompatible or unacceptable uses**
- **Local financial considerations** offered as a contribution or grant
- **Inadequate or inappropriate landscaping** or means of enclosure

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker however the decision-taker is required to demonstrate that in reaching that decision that they have considered all relevant matters.

Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

NON-MATERIAL PLANNING CONSIDERATIONS:

Issues that are not relevant to the decision:

(There exist further non-material planning considerations not included in this list)

- **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- **Opposition to the principle of development** when this has been settled by an outline planning permission or appeal.
- **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)

- **Previously made objections/representations regarding another site or application**
- **Factual misrepresentation of the proposal**
- **Opposition to business competition**
- **Loss of property value**
- **Loss of view**

Communities and Local Government