

PLANNING APPLICATION RESPONSE GUIDELINES

The basis on which Local Planning Authorities assess each application is to establish whether it complies with national and local planning policy, and whether it protects the amenities of the community and of the wider public.

CPRE National Office has published a very useful handbook on responding to planning applications ('How to Respond to Planning Applications: an 8-step Guide') and this article hopefully will give you an understanding of what arguments may, and may not, be taken into account by the Planning Authority in assessing responses to an application. A PDF copy of the guide can be found on <http://www.dorset-cpre.org.uk/cprehelpwithplanning.html>

A fundamental tenet is that "the planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. The basic question is not whether owners and occupiers would experience financial or other loss from a particular development but whether the proposal would unacceptably affect amenities and the existing use of land and buildings that ought to be protected **in the public interest.**"¹

1. Some Valid Reasons for Objecting to a Planning Application²

National / Local Planning Policy

- a. Conflict with council's Local Plan
- b. Contrary to government planning policy guidance
- c. Not complying with council's informal policy guidance
- d. Prejudice comprehensive development of an area
- e. Exceptional personal circumstances

Special Designation

- a. Harm to landscape of Area of Outstanding Natural Beauty
- b. Threat to wildlife or geological features of Site of Special Scientific Interest
- c. Damage to historic or architectural value of listed building
- d. Harmful to the setting of Listed Building
- e. Destroying archaeological remains or monuments
- f. Loss of important Tree Preservation Order trees

¹ The North Dorset Council Development Service Charter 2008(?). Italics added.

² Sources: Internet: Hills Amenity Society. planninglawblog.blogspot.

Planning history

- a. Other applications refused and no change in circumstances
- b. Contrary to a planning inspector's views in previous appeal decision
- c. Incompatible with existing planning permission
- d. Losing important social beneficial uses / amenities
- e. Reducing housing accommodation in areas of housing shortage

Site considerations

- a. Over development
- b. Insufficient garden or amenity land
- c. Lack of private space
- d. Excessive bulk or scale
- e. Introducing unnatural features
- f. Spoiling natural or existing contours
- g. Incompatible with the design of existing buildings
- h. Loss of important trees, hedge or other vegetation
- i. Threatening a public right of way
- j. Insufficient parking spaces
- k. Failure to meet council's access and on-site turning standards
- l. Loss of important wildlife habitats
- m. Harm to rare plants or animals
- n. Destroying traditional field patterns
- o. Loss of high-quality agricultural land
- p. Public sewers inadequate
- q. Risk of flooding or creation of flood risk
- r. Threat to health of occupants through previous contamination

Neighbours

- a. Overlooking adjoining properties
- b. Blocking natural daylight
- c. Generating noise, disturbance, smells, pollution
- d. Unsociable hours of operation

Surrounding Area

- a. Dominating nearby buildings
- b. Conflict with the pattern of development
- c. Poor relationship with adjoining buildings
- d. Visually damaging in the landscape or in the setting
- e. Conflict with the character of the area
- f. Environmental damage caused by vehicles
- g. Inconvenience for pedestrians
- h. Road system is inadequate
- i. Prejudice highway safety
- j. Loss of open spaces
- k. Losing historic street pattern

- l. Adverse affect on rural economy
- m. Adverse effect on economy or businesses
- n. Loss of employment or traditional industries
- o. Threat to viability and vitality of town centre
- p. Creating imbalance between jobs and homes
- q. Failure to meet housing needs
- r. Better alternative sites available

2. Matters that are likely not to be taken into account³

1. The reasons or motives of the applicant.
2. Any profit likely to be made by the applicant.
3. The behaviour of the applicant.
4. Nuisance or annoyance previously caused by the applicant (unless this relates to an existing development for which retrospective permission is being sought).
5. Concerns about possible future development of the site (as distinct from the actual development which is currently being proposed).
6. Any effect on the value of neighbouring properties.
7. Boundary and other disputes between neighbours.
8. The fact that the applicant does not own the land.
9. Loss of trade from competing businesses.
10. Matters covered by leases or covenants.
11. Usually, the impact of construction work (noise etc.).
12. Structural or other issues covered by the Building Regulations.
13. The precise identity of the applicant.
14. The racial or ethnic origin of the applicant, their sexual orientation, religious beliefs, political views or affiliations or any other personal attributes.

3. Special considerations

There are, naturally, variations and special considerations to the general rules above, amongst which are:

Agricultural planning applications and determinations

In the case of agricultural buildings, the rules are slightly different, as certain development falls within 'permitted development rights'. A description of what and what is not covered by these rights can be found on:

<https://www.gov.uk/planning-permissions-for-farms/permitted-development>

³ Sources: The North Dorset Council Development Service Charter 2008(?)
Internet: planninglawblog.blogspot.co.uk.

Area of Outstanding Natural Beauty (AONB)

a) Dorset AONB

Management of the Dorset AONB is subject to policies listed in the Dorset AONB Management Plan 2009-14, and the Planning Office treats these policies as a material consideration in assessing planning applications within or near the Dorset AONB.

Detail of specific policies can be provided on request, or on the Dorset AONB website: <http://www.dorsetaonb.org.uk/the-dorset-aonb/dorset-aonb-partnership/33-management-plan?showall=&limitstart=>

The most relevant sections are:

5A.1 Landscape quality. Page 38

Download: "policy framework for landscape quality, biodiversity, geodiversity, coast & sea and historic & built environment."

5B.3 Planning, Development & Infrastructure. Page 94

Download: "policy framework for land management & local products, accessing, enjoying & learning, planning, development & infrastructure and community action."

b) Cranborne and West Wiltshire Downs AONB (CC&WD)

The CC&WD Management Plan 2009-14 doesn't produce a list of specific policies. Instead, judgment is left with local councils, who undertake to consult the AONB Management Team on major applications.

The local councils have also undertaken to consult the CC&WD AONB Management Team on other applications which are likely to have a significant impact on the AONB Landscape Character.

These lists are neither definitive nor exhaustive and are meant only as an indication of reasons that might be valid or not acceptable when responding to a planning application. If in doubt, a case officer in your local council planning office will be happy to help with his terms of reference, but cannot give an opinion on any specific application.

John Holiday

Dorset CPRE AONB Group