**What powers does Hever Parish Council have in planning applications?**

Hever Parish Council acts as a *consultee* for all planning applications in the parish.  Sevenoaks District Council is the planning authority and will decide whether or not an application is granted, receiving comments made by the Parish Council (but SDC have no obligation to agree with or take these comments into account) and other consultees, such as Kent Highway Services and The Environment Agency and any member of the public.

The final decision is made by the Planning Authority, **not** the Parish Council.

* Parish councils are statutory consultees and have no powers to approve or reject planning applications, they can only comment (or not) on applications.
* Parish Councils are not obliged to respond to any application it is consulted on.

Hever Parish Council will only comment on what are known as “material considerations” \*

If you would like to submit a comment to Sevenoaks District Council, either for or against an application, please send a copy to the Clerk of the Parish Council ([clerk@hever.org](mailto:clerk@hever.org)) and we will take your comments into consideration whilst discussing the application.  If you would like to know when an application will be considered by the Parish Council to share further information or give us your views, please contact the Clerk.

To view applications on the Sevenoaks District Council website, see <http://pa.sevenoaks.gov.uk/online-applications>, then enter the application number without the SE prefix, for example Ref. No: 09/00009/FUL, in the search box.

A summary of each and every application commented on is included on the Agendas so that it is absolutely transparent to anyone who is interested what the council has commented on, on what planning grounds, which Cllrs. were involved in the consideration (if there is any conflict of interest then the relevant Cllr. must leave the room / zoom meeting so as not to influence the discussion) and what the outcome of the application was (if already decided by SDC).

**Do parish councils grant planning permission?**

* Town and parish councils are not Planning Authorities.  Town and parish councils are only statutory consultees in the planning process (for some applications)\*.
* This means that they only have the right to be informed of planning applications within the parish.
* They cannot approve or reject planning applications.
* They can only comment on planning applications in the same way that individuals can comment.
* Consequently, the length of time taken to determine a planning application is governed by the local planning authority not the parish council.
* The decision whether this is granted rests solely with the planning authority and its own deadlines for decision making.
* **It is also worth mentioning that we have no duty to respond to applications we are informed about. The planning committee consists of volunteer Councillors who have a large number of applications to consider, in addition to major planning issues e.g Local Plan, affordable housing etc.**

**FURTHER INFORMATION**

**Valid reasons for comment on a Planning Application**

Comments that are clear, concise and accurate stand more chance of being accepted than those that are not. When planning applications are considered, the following matters can all be relevant. These are sometimes referred to as ‘material planning considerations’:

* Central government policy and guidance - Acts, Circulars, Planning Policy Guidance Notes (PPGs) etc.
* The Development Plan - and any review of the Development Plan which is underway.
* Adopted supplementary guidance - for example, village design statements, conservation area appraisals, car parking standards.
* Replies from statutory and non-statutory agencies (e.g. Environment Agency, Highways Authority).
* Representations from others - neighbours, amenity groups and other interested parties so long as they relate to land use matters.
* Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping
* The need to safeguard valuable resources such as good farmland or mineral reserves.
* Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
* Public services - such as drainage and water supply
* Public proposals for using the same land
* Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance and smell.
* Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments and areas of special scientific interest.
* Effects on existing tree cover and hedgerows.
* Nature conservation interests - such as protection of badgers, great crested newts etc.
* Public rights of way
* Flooding or pollution.
* Planning history of the site - including existing permissions and appeal decisions.
* A desire to retain or promote certain uses - such as playing fields, village shops and pubs.
* Need for the development - such as a petrol station
* Prevention of crime and disorder
* Presence of a hazardous substance directly associated with a development
* Human Rights Act
* Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

**Irrelevant reasons for objection**

There are certain matters which do not amount to ‘material planning considerations’ under current legislation and guidance. These matters cannot be taken into account in considering a planning application and should not be included in objections as they weaken your case:

* Speculation over future use
* The identity of the applicant or occupant
* Unfair competition
* Boundary disputes
* Breach of covenants and personal property rights, including personal (not Public) rights of way
* Loss of a private view
* Devaluation of property
* Other financial matters
* Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention
* Religious or moral issues - such as betting shops and amusement arcades
* The fact that the applicant does not own the land to which the application relates
* The fact that an objector is a tenant of land where the development is proposed
* The fact that the development has already been carried out and the applicant is seeking to regularise the situation.  People can carry out development at their own risk before getting planning permission)
* The developer’s motives, record or reputation

Other Matters – “concerns and issues”

The person making a planning application has to provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of conditions included as part of the permission.

Because of this, certain issues may not be considered as ‘objections’ but it is entirely reasonable for you to raise concerns on such issues and to ask to be kept informed before they are approved. These include:

* The proposed type and colour of the materials to be used
* The exact nature of any proposed planting or boundary treatment

\*

Applications where the Parish Council is **not** a statutory consultee

DETAIL - Submission of Approval of Details

ADJ or ADJAPP - Adjoining Authority Consultations

AGRNOT - Agricultural/Forestry Notifications

DEMNOT - Demolition Consultation Demolition Notification – Details

DEDET RG5, RG9, RG10 or RG1 - Environmental Impact Assessment applications

HEDNOT - Hedgerow Removal Notification

KCCRG3, KCCRG4, DIVERT or PROW - Kent County Council consultations

LDCLBC - Lawful Development Certificate Listed Building

LDCPR - Lawful Development Certificate Proposed

NMA - Non-Material Amendments

PAE - Prior Approval Extension

PAC - Prior Approval Change of Use

WTPO, WTCA, WTREE or W5DAY - Works to Trees

More information;

<https://www.planningportal.co.uk/faqs/faq/4/what_are_material_considerations#:~:text=A%20material%20consideration%20is%20a,Loss%20of%20light%20or%20overshadowing>

[www.hever.org](http://www.hever.org) for minutes and agendas of the planning committee meetings.