



# Sedlescombe Parish Council

## Planning Code of Good Practice Policy

# SEDLSCOMBE PARISH COUNCIL – PLANNING CODE OF GOOD PRACTICE POLICY

## Introduction

This Planning Code of Good Practice (PCGP) has been produced to provide practical advice relevant to the consideration of local planning applications (PAs). Members are advised to use this guidance in conjunction with:

- Sedlescombe Parish Council’s Standing Order’s
- The Sedlescombe Parish Council Members’ Code of Conduct
- CPRE How to respond to Planning Applications: An 8-step guide
- CPRE Planning Explained.
- NALC’s Legal Topic Note 58 ‘Planning’

A full list of publications can be found in Annex 1.

The Parish Council is not a statutory consultee on planning matters, but Rother District Council invites its Towns and Parishes to submit local observations as good practice. Comments submitted by Town and Parish Councils are displayed with the appropriate application on the Rother District Council (RDC) website and provide planning officers with a local view. Members of the public can make representations to the Parish Council but should be encouraged to also participate in the Planning Authority’s public engagement methods and make direct representations.

Members are always bound by the commitment to uphold the Sedlescombe Parish Code of Conduct whenever contributing to the decision-making of the Council.

Members of Sedlescombe Parish Council (SPC) shall act in the public interest of the whole parish when considering any items of business, including local Planning Applications. Members should always act impartially in reaching decisions and avoid taking account of personal feelings or those of a planning applicant. Members should not favour improperly any person, company, group or locality.

All pecuniary or non-pecuniary declarations in any application should be disclosed at the appropriate time at Full Council Meetings, this includes any member of Sedlescombe Parish Council who is also a member of RDC Planning Committee.

Guidelines on disclosable pecuniary or non-pecuniary interests can be found in the Sedlescombe Parish Council Members Code of Conduct, but additional advice in relation to any matter under consideration at a Full Council meeting can be gained from the Monitoring Officer at RDC or the Clerk to the Council.

## Consideration of Planning Applications

1. Sedlescombe Parish Council does not currently have a separate Planning Committee and all Planning Applications are considered by the Full Council
2. All members of Sedlescombe Parish Council can take part in making comments and observations about Planning Applications to the relevant statutory Planning Authority (usually Rother District Council <sup>1</sup>) should they wish.
3. The Full Council decides on appropriate observations to make on Planning Applications and whether to object to them or not.
4. The agreed observations of the Full Council Planning are submitted to the relevant Planning Authority (RDC) by the Clerk to the Planning Committee, within the deadlines applied by RDC.
5. In reaching its decisions the Full Council must only take into account material considerations i.e. issues that are in law, material or relevant to a planning application. Ultimately the courts decide on what constitutes a material consideration, however, case law gives local planning authorities significant leeway to decide what considerations are relevant and how much weight should be given to them.

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<sup>1</sup> East Sussex County Council (ESCC) is the Planning Authority for some issues such as minerals extraction or waste disposal. The Committee may also wish to comment occasionally on planning applications submitted to neighbouring Planning Authorities, if it is considered there will be material impact on the Parish.

Material considerations include: -

- i. Government Policy e.g. the National Planning Policy Framework.
- ii. Rother District Council's Planning Policies contained in retained policies or the Local Plan.
- iii. The designated status of a site or its surroundings e.g. Area of Outstanding Natural Beauty
- iv. A site's planning history (including existing planning permissions, previous applications, refusals and appeals)
- v. The effect on a conservation area or listed building.
- vi. Sedlescombe Neighbourhood Plan

They can also include: -

- i. Accessibility, traffic, roads, adequate parking and servicing
- ii. Access and highways safety
- iii. Overshadowing
- iv. Overlooking and loss of privacy
- v. Overbearing nature of proposal
- vi. Loss of trees and ecological habitats
- vii. Design and appearance
- viii. Layout and density of buildings
- ix. Effect on listed building(s) and conservation areas
- x. Noise and disturbance from the scheme
- xi. Disturbance from smells
- xii. Public visual amenity that is not loss of private individual's view
- xiii. Flood risk

6. Members should be aware of examples that the local planning authority cannot normally consider as a material consideration. These include:
  - i. Loss of value to private individual's property
  - ii. Loss of view
  - iii. Boundary disputes including encroachment of foundations or gutters
  - iv. Private covenants or agreements
  - v. The personal conduct, history or motives of any applicants
  - vi. Potential profit for the applicant from the application
  - vii. Private rights to lights or rights of way
  - viii. Damage to property
  - ix. Disruption during any construction phase
  - x. Loss of trade and competitors
  - xi. Age, health, status, background and work patterns of objector
  - xii. Time taken to complete the work
  - xiii. Capacity of private drains
  - xiv. Building and structural techniques
  - xv. Alcohol or gaming licences
7. Members are encouraged to gain knowledge of the Planning Application site by making a visual inspection from the public highway, footpath or other vantage point accessible to the public. Remember that entry onto private property without permission could be viewed as trespassing.
8. Should applicants, developers or groups of objectors wish to seek to lobby or request a private meeting about Planning Applications they should be advised to contact the Clerk to arrange for their representations to be made during the "public speaking" sessions provided at the start of all meetings held by the Parish Council. Such written comments can be submitted to the Clerk to be circulated to all members.
9. Should the occasion arise, members are encouraged to explain the Parish Council Full Council's consultative role in contributing to the RDC's decision making process on Planning Applications to promote a greater understanding of the planning process. For detailed advice, recommend RDC Planning Services.
10. When considering Planning Applications, the Full Council will consider statements on duties related to biodiversity, crime and disorder and other statements adopted by the Parish Council.
11. Councillors may be asked to speak at meetings of RDC's Planning Committee. Comments should be agreed by the Chairman and Vice Chairman prior to public speaking.

## **Public Engagement**

Members of the public have the opportunity to engage with the planning process in Sedlescombe by: -

1. Viewing plans at RDC premises in Bexhill – by arrangement or online.
2. Attending Planning meetings, all of which are held in public. (Notice of Full Council meetings detailing the Planning Applications to be considered is available on the public notice board on the side of Sedlescombe Village Store and on the Parish Council's website [www.sedlescombe.org.uk](http://www.sedlescombe.org.uk) prior to the meeting).
3. Addressing the Full Council during the allocated public speaking time which is at the beginning of every meeting.
4. Contacting the Clerk or individual Councillors.
5. In addition, residents can make direct contact with the relevant Planning Authority and submit comments in writing and online.
6. Adoption and review of the Sedlescombe Planning Code of Good Practice.

## **Disposal Procedures**

All documents that are no longer required for administrative purposes will be shredded and disposed of.

### **Document Revision History**

<b>Date</b>	<b>Version</b>	<b>Revision</b>
Sep-2005	1.0 Final	Parish Council adoption as per minute
18-Jul-2018	1.1 Rev	Revision adopted as per minute C18.57.2

## Annex 1

## List of publications

Campaign to Protect Rural England: (2011) How to respond to planning applications: an 8-step guide.

Available at:- <http://www.cpre.org.uk/resources/housing-andplanning/planning/item/1903-how-to-respond-to-planning-applications>

Published by NALC

Campaign to Protect Rural England: (2011) Planning Explained

Available at: -

<http://www.cpre.org.uk/resources/housing-and-planning/planning/item/2654-planningexplained>

Published by NALC

NALC (2012) Legal Topic Note 58 'Planning'

Available at: -

<http://www.nalc.gov.uk/library/members-library/legal-topic-notes/planning-enviromentand-licensing-matters/666-58-planning/file>

Published by NALC

Society of Local Council Clerks (2012) The Role of Parish Councils in Planning.

Available at: -

[http://www.slcc.co.uk/UserFiles/advice/481\\_Advice%20Note%20-%20A%20Simple%20Guide%20to%20The%20Role%20of%20Parishes%20in%20Planning%20Planning%20Committees%20and%20Amendments%20to%20Planning%20Applications.pdf](http://www.slcc.co.uk/UserFiles/advice/481_Advice%20Note%20-%20A%20Simple%20Guide%20to%20The%20Role%20of%20Parishes%20in%20Planning%20Planning%20Committees%20and%20Amendments%20to%20Planning%20Applications.pdf)

Published by SLCC

Rother District Council (2013) Councillors' Planning Code of Good Practice.

Available at: -

[http://www.rother.gov.uk/media/pdf/s/e/code\\_of\\_good\\_practice.pdf](http://www.rother.gov.uk/media/pdf/s/e/code_of_good_practice.pdf)

Published by RDC