



Using the Planning System to Conserve and Enhance your Local Environment - Planning Applications in the Development Plan Context

Adapted from CPRE's Guide 'Responding to Planning Applications'

Introduction

The single most important consideration for the local planning authority in deciding any planning application is the policies in its development plan. It is mandatory for a planning authority to decide planning applications in line with the development plan, unless material considerations indicate otherwise (Section 54a Town and Country Planning Act 1990). This fact sheet outlines how you can use Unitary Development Plans to put forward a firm case when responding to a planning application.

The Development Plan

The development plan for most areas of Wales is currently outlined in a Local Development Plan or where this has not yet been adopted in the Unitary Development Plan. The relevant development plan document will be available from local authorities and national parks in Wales. These policies can also be supported by Special Planning Guidance related to specific topics. If you are unclear about which is the current development plan for your area it is best to check with your local planning department.

It is vital to familiarise yourself with the relevant plan documents. You should either buy them, or as there is usually a hefty charge for the document(s) you can alternatively read them at the authorities' offices or in a public library. Most Local Development plans and SPGs can be downloaded from the local planning authority's web site.

Decisions on planning applications must be taken in accordance with the current development plan unless material considerations indicate otherwise, so:

- search through the documents for policies which either directly support the case you are making, or open up scope for points you wish to make, quote and then explain their relevance

- try to demonstrate how the case you are making is broadly in sympathy with the thrust of the plan

- identify how other issues relevant to the decision favour your view. Development plans are drawn up by local planning authorities and are subject to various opportunities for public involvement. They are expected to accord generally with higher level of policies. Those policies may be relevant in their own right when assessing planning applications for more substantial developments. They are set out in:

- Planning Guidance Wales (PG(W)) and Technical Advice Notes (TANs), which are published by the Welsh Assembly Government and Regional Planning Guidance(advisory in status), produced by neighbouring planning authorities.

You will need to decide what action to take once you have analysed the planning application and policies in the development plan and other documents. You can:

take no action, since the proposal's overall effect would be neutral or of little relevance to your particular interest;

Support the application because it may result in discernible positive benefits that you wish to secure;

Register an objection to the application, but indicate action that could be taken to meet your objection either by amendments to the proposals or by the imposition of conditions limiting the effect of the proposals;

or

Object to the application.

It is important to set realistic objectives. If the policies of the plan clearly imply support for a proposal to which you are opposed, you may need to consider adjusting your stance. For example, you may conclude that improving the development is the best that you are likely to achieve. In this case you may wish to register an objection but go on to say what conditions you would hope to see imposed on the permission in the event of the application being approved.

You will not be able to use the opportunity of a planning application as an opportunity to overturn a development plan policy that you disagree with. Nevertheless, looking ahead, you may be able to influence the policies in the next Local Development Plan for your area, so as to create a framework more sympathetic to your interests.