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**Working with the community for the community**

**PLANNING APPLICATIONS**

**POLICY**

**INTRODUCTION**

This document is the written policy of Kempley Parish Council (the Council) regarding its consideration of Planning Applications made to the Forest of Dean District Council (the FoDDC).

This policy will also apply to Planning Appeals, but with the responses being to the Planning Inspectorate. The FoDDC must tell anyone who has commented on an application that a Planning Appeal has been made.

A Policy is not the same as the Standing Orders adopted by the Council.

This Policy was adopted or modified by the Parish Council:

|  |  |  |
| --- | --- | --- |
| **Action** | **Date** | **Comment** |
| Adopted: | 06.11.2018 | For review at the Annual Parish Council Meeting |
| Modified:Modified | 05.02.201910.05.2021 | Updated to accommodate GAPTC GuidanceUpdated for review at the Annual Parish Council Meeting |

**Changes to this Policy**

We keep this Planning Applications Policy under regular review and we will place any updates on our website [www.kempleyparishcouncil.org](http://www.kempleyparishcouncil.org).

**Contact Details**

Please contact us if there are any questions about this policy at:

Kempley Parish Clerk

The Croft, Kempley, GL18 2BU

Email: clerk@kempleyparishcouncil.org

**PLANNING APPLICATIONS POLICY**

1. **Principles:**

Kempley Parish Council (the Council) wants to provide proper responses to consultations regarding Planning Applications made to the Forest of Dean District Council (the FoDDC), and Planning Appeals. To do this the Council will normally:

* Provide the FoDDC with a response to each high impact consultation it receives from them and to low impact consultations, where in the opinion of the Council significant community interests are identified;
* Say whether there is support or opposition to the Planning Application, giving reasons;
* Where relevant state where, in the Council’s opinion, the Planning Application aligns with or departs from the views of the community as expressed in the Community Led Plan;
* Also use this Policy for Planning Appeals, and
* Have a Councillor nominated as Officer Responsible with a Planning remit for liaison purposes.
1. **Consultations:**

The FoDDC provides the Council with notifications of Planning Applications made to it, and they give the Council a response date by which to provide comment. This consultation by FoDDC is not binding on them. For example any support or opposition by the Council to a particular application may not have a huge influence on the FoDDC decision, but they should have regard to what is said. Hopefully the Council’s response will be helpful where there are contentious matters.

The FoDDC normally notify neighbours of a proposed development directly, as it is they who have the strongest voice. It is the Council’s opinion that members of the community remote from an application site do not have such a strong voice, unless material planning considerations of community wide significance are identified by the Council. In view of the latter the Council always urges individuals to provide comment directly to the FoDDC, and not simply rely on the Council’s response.

1. **The Community Lead Plan (CLP) :**

The Parish Council carried out a wide-ranging consultation to canvas the views of the community. The consultation involved village meetings and a questionnaire circulated to all the community with responses forming the basis of *“Our Kempley Community-led Plan”, September 2017,* settingout a vision for the future of the village.

The full CLP is available on the Council website [www.kempleyparishcouncil.org](http://www.kempleyparishcouncil.org). Important extracts from it are:

* *The Forest of Dean District Council (FoDDC) Allocations Plan (2015) features Kempley Green as a distinct area of consolidation within the dispersed rural area of Kempley as a whole. FoDDC has defined a Designated Settlement Boundary (DSB) as shown on the map. Kempley Green, as a defined settlement, has a population of approximately 108 in around 40 houses. The village is considered to be almost fully developed within the DSB with only one or two tiny areas still appropriate for infill development. The key issue stated in the Allocations Plan (2015) is to “protect the surrounding countryside from inappropriate development” and it is proposed that “the plan will continue a tight control on further development”.*
* *With that background, combined with a number of comments from villagers, it is clear that any new installation or property proposed within the DSB and, indeed, outside of this but within the village as a whole will be contentious.*
* *The questionnaire asked whether residents would be in favour of development within the DSB and 50% confirmed that they would albeit with some qualifications on design on a case by case basis. 88% of respondents were in favour of renewal / redevelopment of existing dwellings, again on a case by case basis.*
* *At the meeting there was hot debate on the potential of development outside of the DSB and comments received then and since typify the fierce sense of protection villagers feel about the locality, and*
* *On a practical note, the majority of respondents would be interested in receiving alerts to new planning notices either via a village website or by email. This could enable villagers to submit their own comments to FoDDC within the usual tight responses.*





**Designated Settlement Boundary The Parish Boundary**

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* *The housing is mostly strung along two miles of unlit road running through the village with a smaller concentration of houses at Fishpool. A particular attribute of Kempley Green is the way that the characteristics of a hedged country lane are carried through the Kempley Green settlement with green hedging forming boundaries to village gardens.*
* *The unlit road is important to people. As one villager mentioned at our annual meeting in 2016 “we love living here and proudly tell other people that there are no street lights and we can see the stars”. This sentiment is supported by 91% of the respondents to the village questionnaire stating that the dark skies were important or very important to them.*
1. **The Council’s Procedure under this Policy:**

The Council will normally seek to:

1. Assess, by obtaining the initial opinion of councillors, whether an application notified to the Council is either **Low Impact†** or **High Impact‡** to the community;
2. Alert the community, including a link to the Planning Application, where councillors (in their initial opinion) believe the application to be of **High Impact‡** to the Community. This will be done by using the Community Newsletter or other appropriate means within seven days of notification by the FoDDC. The Alert will state the consultation response date;
3. Ensure that timing of the consultation permits views to be given by the community, and a decision made by the Council, at a scheduled Parish Council Meeting. Alternatively, where the consultation response time cannot be suitably extended, convene an Extraordinary Parish Council Meeting;
4. Consider representations made to the Council where third parties believe a Planning Application to be **High Impact‡**. Where appropriate the Council may (so long as sufficient time is available in the available consultation process), invoke notification as (B) above;
5. Allow the Officer Responsible to undertake relevant liaison for the Council’s purposes, to be the point of contact for the community and for third parties, and to respond to (or require the Clerk to respond to) a consultation and convey the decision of the Council to the FoDDC in line with paragraph (1) above;
6. Ensure that the decision of the Council regarding a Planning Application is made, and recorded, at a Parish Council Meeting;
7. Provide a response to each high impact consultation, within the response time;
8. Provide a response on low impact consultations only where in the opinion of the Council material planning considerations of significant community interest are identified (see Appendix 2).
9. Use relevant wording from the Draft Letter of Response set out in Appendix 1 to this Policy, and
10. Publish this Policy on the Council’s website.
11. **Definitions:**

The Council uses the following meanings for the purposes of this Policy:

† **Low Impact** applications would be ones normally involving:

Extensions, or alterations, to domestic properties within the DSB;

Minor alterations to means of access within the DSB;

Minor commercial applications;

Minor development for an established farming use, and

Minor “Changes of Use” of land or buildings.

‡ **High Impact** applications would be ones normally involving:

Single§ or multiple new build dwellings within the DSB;

Extensions to domestic properties greater than “Permitted Development” rules outside the DSB;

Significant commercial applications within or outside the DSB;

Alterations to a means of access outside the DSB, or significant alterations to a means of access within the DSB;

New build dwellings outside the DSB;

Alterations to a Public Right of Way, and

Significant “Changes of Use” of land or buildings.

§ Included as being high impact having regard to the CLP.

However, each application will be considered on its own merit and some proposals may (or may not) be considered to be in the interests of the community having regard to the CLP.

1. **Pre Application Advice**

Where the Council is approached for opinion or advice prior to a Planning Application being made, the potential applicant will be advised to refer to the FoDDC or a Planning Consultant, and they will be advised of this Policy.

1. **Authority under this Policy:**

For the avoidance of doubt the Officer Responsible:

* and any support person relevant to the planning consultation role shall be able to liaise coordinate and communicate regarding that role in accordance with 4(E) above, and
* shall be able to communicate the Council’s decision made at a Parish Council Meeting to the FoDDC, the community and third parties

without further authority from the Council but only in accordance with this Policy.

**APPENDIX 1**

**Draft Letter of Response**

The Council has authorised the use a standard form of response to a Planning Application (or Planning Appeal): it will normally include relevant parts of the following text:

*Dear Sirs*

*Kempley Parish Council (the Council) thanks you for the opportunity to comment on the Planning Application (Appeal) referenced above.*

*The Council welcomes / supports / does not support / is strongly against the proposal by a majority of (x) in favour and (x) against for the following reasons:*

* + *(List)*
	+ *A(n extraordinary) meeting of the Council considered the application carefully and concluded that (List). Public opinion at the meeting was (x).*

*For your information in 2016 and 2017 the Council carried out a wide-ranging consultation to canvas views of the community on various matters. The consultation involved village meetings and a questionnaire circulated to all the community with responses forming the basis of “Our Kempley Community-led Plan”, September 2017 (the CLP). The responses showed that concerns regarding future development in Kempley featured strongly.*

*In the resulting CLP, which is available on the Parish Council website* [*www.kempleyparishcouncil.org/community-info/*](http://www.kempleyparishcouncil.org/community-info/)*, your attention is drawn to:*

* *The Forest of Dean District Council (FoDDC) Allocations Plan (2015) features Kempley Green as a distinct area of consolidation within the dispersed rural area of Kempley as a whole. FoDDC has defined a Designated Settlement Boundary (DSB) as shown on the map. Kempley Green, as a defined settlement, has a population of approximately 108 in around 40 houses. The village is considered to be almost fully developed within the DSB with only one or two tiny areas still appropriate for infill development. The key issue stated in the Allocations Plan (2015) is to “protect the surrounding countryside from inappropriate development” and it is proposed that “the plan will continue a tight control on further development”.*
* *With that background, combined with a number of comments from villagers, it is clear that any development within the DSB and, indeed, outside of this but within the village as a whole will be contentious.*
* *The questionnaire asked whether residents would be in favour of development within the DSB and 50% confirmed that they would albeit with some qualifications on design on a case by case basis. 88% of respondents were in favour of renewal / redevelopment of existing dwellings, again on a case by case basis.*
* *At the meeting there was hot debate on the potential of development outside of the DSB and comments received then and since typify the fierce sense of protection villagers feel about the locality, and*
* *A particular attribute of Kempley Green is the way that the characteristics of a hedged country lane are carried through the Kempley Green settlement with green hedging forming boundaries to village gardens.*

The Council therefore considers a requirement for hedging to boundaries to be an important requirement of a consent for a development / alteration to a means of access, and

* *The unlit road is important to people. As one villager mentioned at our annual meeting in 2016 “we love living here and proudly tell other people that there are no street lights and we can see the stars”. This sentiment is supported by 91% of the respondents to the village questionnaire stating that the dark skies were important or very important to them.*

The Council therefore considers a requirement for the control of external lighting to prevent light pollution to also be an important requirement of a consent for development / change of use / alteration to a means of access.

The Council hopes that all the above is clear.  If any reply is made please ensure a copy is sent to the Parish Clerk: kempleyparishclerk@gmail.com.

This response is made in accordance with the Council’s Planning Applications Policy, as adopted Datexx.

Regards

For Kempley Parish Council

Annex 2

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