

THAKEHAM PARISH COUNCIL – Neighbourhood Planning Committee

Overview of material considerations for planning applications¹

The general legal context is: "...any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (*Stringer v MHLG 1971*). Material considerations must be genuine planning considerations, i.e. must be related to the development and use of land in the public interest.

The National Planning Policy Framework also sets a context of 'presumption in favour of sustainable development', which states that if a development plan is 'absent, silent, indeterminate or where relevant policies are out of date' with regard to a development proposal, planning permission should be granted.

Material considerations include all the fundamental factors involved in land-use planning, such as:

- the number, size, layout, siting, density, design and external appearance of buildings,
- the proposed means of access,
- landscaping,
- impact on the neighbourhood and the availability of infrastructure.

Specific factors that may bear on these general considerations include:

- visual appearance and materials to be used;
- orientation and layout of buildings or extensions;
- the planning history of the site – including existing planning permissions, previous refusals and appeals;
- intended use of the development, and whether this involves a *change* of use;
- any risks relating to drainage (surface water, flooding) and/or sewerage;
- vehicle and pedestrian access, including impact on disabled persons' access;
- any effect on listed buildings and/or a Conservation Area;
- loss or other impact on trees and/or hedges;
- other foreseeable ecological/environmental impacts;
- any impact on neighbouring dwellings in terms of:
 - loss of daylight or sunlight
 - loss of privacy/becoming overlooked
 - overshadowing/loss of outlook (but not loss of view)
 - noise, smells or other disturbance resulting from future use of the development (*after* construction)
 - light pollution
- highways issues: scale of parking envisaged, traffic generation, vehicular access, highway safety;
- impact on rights of way and/or the amenity value of open spaces;
- hazardous materials/ground contamination;
- archaeology.

Matters that the planning system will not normally treat as material considerations include:

- matters controlled under Building Regulations or other non-planning laws, e.g. structural stability, drainage, fire precautions etc.;
- private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of way, covenants etc.;
- loss of value of property;
- loss of a private individual's view;
- the applicant's personal conduct/history, or their motives (including profit);
- speculation about the future intentions of the applicant or the use of the development that goes beyond a legitimate interest in potential cumulative impact;
- matters relating to the construction phase of any works, e.g. noise, dust, construction vehicles, hours of work etc. These are not primary grounds for objection, although conditions designed to mitigate the impact of these issues can be sought.

¹ Sources: principally NALC/CPRE guidance; see <https://www.nalc.gov.uk/publications>