

# The Lee Parish Council

## Planning Application Procedure

Summarised History:

Date	Version	Updated By	Status	Comment
July 2016	3	CLlr C Sully	Adopted	
Mar 2021	4.2	CLlr C Sully	Adopted	Changes to interaction with residents, adopted 9/3/21
Jun 2021	5.2	CLlr C Little	Adopted	Policy on applications outside the parish, adopted 22/7/21
Sept 2021	6.4.1	CLlr C Little	Adopted	Policy on consultation with applicants , adopted 14/9/21
Jan 2022	7.2	CLlr R Fowler	Adopted	Clarification of enforcement procedures, adopted 11/2/22
Mar 2022	8.1	CLlr R Fowler	Draft	Guidance for consultation
Mar 2022	8.2	CLlr R Fowler	Draft	Following initial discussion
Mar 2022	8.3	CLlr R Fowler	Draft	Feedback from Finance & Governance group
Mar 2022	8.4	CLlr R Fowler	Adopted	Adopted 15/3/22, subject to removal of repetition in amended clauses.

# The Lee Parish Council

## Planning Application Procedure

### Application consultation

Parish councillors are not authorised on behalf of the Parish Council to offer advice or opinion upon the merits or likely acceptability of any planning application prior to or following its submission to the planning authority, nor are they able to provide on behalf of the Parish Council any other planning advice of any kind in the planning application process.

Other than in accordance with Item 7 below, councillors should decline an invitation to discuss the details of an application or proposed application with the applicant as any such conversation would render them conflicted. Applicants seeking preliminary advice before submitting their application should be referred to the planning authority planning portal at Buckinghamshire Council's website at [Buckinghamshire Council – Chiltern Area - Planning Application Advice](#) where preliminary advice may be sought from appropriately qualified Council staff.

In any discussions with residents, councillors should make it clear that they are not able to comment on behalf of the Parish Council on planning matters, except to state its policy and procedure.

### Notifications of planning applications

The Parish Council is routinely notified of planning applications made locally and is invited by the planning authority to comment if appropriate. Upon receipt of such a notification in the Parish, the Parish Clerk will post a message on The Lee Forum, advising any residents who wish to comment on it to the Parish Council to contact the Parish Clerk. Comment may be by way of either objection or support. The posting will also recommend that residents with comments on the applications should consider responding directly to the planning authority. Regular messages to this effect will also be published in The Lee Newsletter.

### Planning application review and comment by the Parish Council

The procedure followed by the Parish Council for reviewing and commenting on planning applications is as follows:

1. On receipt of a notification of a planning application in the Parish, the Clerk will circulate the details to all councillors, propose a Lead Councillor and communicate the date by which a final response is needed. *[The Clerk will follow a broadly sequential order in allocating applications but will also consider previous applications from that address and situations where councillors may be conflicted by their proximity or other relationship with the applicant.]*
2. Any councillor having a close friendship with the applicant, where they are an immediate neighbour or are otherwise conflicted should recuse themselves from considering the application. Councillors will decline to lead if so recused, in which case the Clerk will re-allocate.
3. The Lead Councillor will appraise the application and circulate initial thoughts to all other councillors (excluding the Clerk and any conflicted councillors). Relevant councillors are asked to review the application and then also circulate their comments. Councillors who are conflicted will refrain from comment.

# The Lee Parish Council

## Planning Application Procedure

4. All discussions between Councillors outside Parish Council meetings are considered to be confidential and are disclosable only subject to a Freedom of Information request or Order of a Court.
5. Councillors are not authorised to discuss anything concerning any application outside the Council that is not already in the public domain, either where a response has been submitted or a comment has been minuted.
6. The Clerk and other councillors will forward any relevant comments received from residents on the application to the Lead Councillor. Comments made to the Parish Council and incorporated in the council's response to the planning authority will not be attributed.
7. Lead Councillors and the Clerk will not normally contact an applicant. In exceptional appropriate circumstances however this constraint may be lifted in consultation with the Chair. Should the Chair be recused from considering an application, or otherwise unavailable, then the constraint may be lifted with agreement of the Vice-Chair. Should the Vice-Chair also be recused or unavailable, then the constraint may be lifted with agreement of a majority of unrecused councillors.
8. Lead Councillors and the Clerk will not normally initiate contact with close neighbours or other impacted by an application. In exceptional appropriate circumstances however this constraint may be lifted following consultation as described under point 7.
9. Should a resident contact the Clerk regarding a particular application, the Lead Councillor may elect to respond following consultation as described under point 7.
10. Having received comments from other unconflicted councillors and residents, the Lead Councillor will form a preliminary view as to the Council's preferred response, separating relevant planning issues, for or against, from other comments. The Lead Councillor will then circulate a draft response to all councillors for agreement, referring any queries, if necessary, to the Chair. The absence of a comment from councillors at this stage will be taken as agreement with the proposed response.
11. The Lead Councillor should also make a recommendation to the Council whether or not to have the application called-in under the procedure described below, subject to agreement by a majority of all unconflicted councillors.
12. The Lead Councillor will then confirm the agreed response to the Clerk (cc Chair), who will inform the Planning Authority accordingly by the appointed date – copying local Buckinghamshire County Councillors on the Planning Committee.
13. The Parish Council will not by default consider commenting on planning applications if the relevant site lies outside the Parish, unless a formal request to do so is received either from an adjacent Parish Council in whose parish the relevant application lies, or from a TLPC parishioner who by their location is directly and adversely affected by the application.
14. If requested to do so under paragraph 13. the Parish Council may in circumstances that it concludes on the evidence to be appropriate, consider commenting (either by support or objection) where, in its opinion, the grant of permission for the proposed development, use or activity would directly affect resident(s) of the Lee Parish and/or create a development precedent within it.

# The Lee Parish Council

## Planning Application Procedure

### Calling in applications

Many local planning applications are uncontentious and are largely compliant with planning policy with no, or only minor amendments being necessary. Where there are no relevant objections these applications are usually determined by individual case officers within the planning authority, under their delegated powers, without having been considered by the planning sub-committee of the Planning Authority.

Contentious applications may however be subject to a process of 'calling in'. This requires such applications to be brought before the full planning sub-committee for determination, during which process objections may be heard in person. In the past only County and District Councillors were able to request the calling in of a contentious application, but since the formation of the Buckinghamshire unitary authority this facility has been extended to parish councils.

Parish councillors are required to be aware that in circumstances where it is felt to be appropriate to request a planning application to be called in, it will be expected to delegate a councillor to appear before the Planning Committee to justify its reasons for making such a request; its reasons therefore need to be more substantial than a casual "we don't like it".

Whether or not to request that an application be called in may often rest solely with the Parish Council whose policy on such matters is set out below.

As part of their summary and recommendation for a response to a planning application, the Lead Councillor should indicate whether they feel an application should:

- be called in under all circumstances (for example where it is felt that a successful application could adversely change the character of the area and should not be left to a single person to decide)
- be called in only if the Case Officer were minded to approve (for example where it is felt locally that approval would be highly detrimental)
- be called in only if the Case Officer were minded to object (for example where it is felt locally that approval would be highly advantageous)
- not be called in

The final decision on whether or not to call in an application will, as with the response itself, be subject to agreement by a majority of unconflicted councillors.

By default the Lead Councillor for the application to be called in should be prepared to appear before the Planning Committee to present their arguments. Should that councillor be unwilling or unable to appear for whatever reason, the Lead Councillor for Planning will appear in their place. Should no councillor be willing and able to represent TLPC at the Planning Committee, the call in request will be withdrawn.

### Publishing Planning Authority decisions

The outcomes of all local planning applications will be listed in the Parish Council minutes.

# The Lee Parish Council

## Planning Application Procedure

### Enforcement

The Parish Council is not qualified to assess whether or not works have been carried out in breach or absence of any planning permission, and has no powers to take any enforcement action in respect of any such breach.

Any potential breach identified by the Parish Council should be reported to the Lead Councillor who may then refer the issue to the Planning Authority, or request the Clerk to do so on their behalf. Any resident reporting a potential breach to the Parish Council should be referred to the Planning Authority.