

Material Planning considerations.

In considering a planning application, the council has a legal duty to have regard to the provisions of the development plan and any other “material considerations” Frequently, the issue arises over what constitutes a “**material planning consideration**” - it is important to consider this aspect of any scheme as the District Council is unable to take into account an issue that does not fall into these categories when determining any planning application. It should be remembered that each material consideration will have a different “**weight**” depending upon the details of the particular scheme – for example in terms of loss of trees, whilst an important material consideration, so would be the desire to construct affordable homes, therefore in some cases the **weight** given to providing the homes may outweigh the issues relating to the loss of trees etc...

The most common material considerations include the following, although the list is not exhaustive;

- **Local, strategic, regional and national planning policies, including government circulars, orders and statutory instruments.**
- **Previous appeal decisions**
- **Loss of daylight or sunlight – particularly from habitable rooms in a home – overshadowing/ loss of outlook (but not loss of a view) , overlooking / loss of privacy.**
- **Highway issues such as traffic generation, vehicular access and above all, highway safety**
- **Access for disabled persons**
- **Noise, smells, light pollution and other disturbances resulting from the proposed use.**
- **Hazardous materials/ground contamination**
- **Risk of flooding**
- **Landscaping and loss of trees**
- **Nature conservation**
- **Effect upon archaeology, listed buildings and the Conservation Area**
- **Design, layout and density of buildings, visual appearance and materials’.**
- **Parish Plan**

Matters that cannot normally be taken into account include;

- **Building Regulations issues such as build quality**
- **Footings near a boundary**
- **Private issues between neighbours (such as boundary disputes, damage to property, private rights of way, covenants)**
- **Loss of a view**
- **Loss of value of a property**
- **Speed of construction /completion**
- **The fact that the applicant has breached any regulations in the past.**