

# **FAVERSHAM TOWN COUNCIL**

## **PLANNING PROTOCOL AND GUIDELINES**

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## Contents

|                                                                                                |          |
|------------------------------------------------------------------------------------------------|----------|
| <b>1. PLANNING APPLICATIONS GENERAL .....</b>                                                  | <b>3</b> |
| 1.1 What powers does Faversham Townh Council have with respect to planning applications? ..... | 3        |
| 1.2 Do Parish Councils grant planning permission? .....                                        | 3        |
| 1.3 How do Parish Councils comment on planning applications? .....                             | 3        |
| 1.4 Valid reasons for comment on a planning application? .....                                 | 3        |
| 1.5 Irrelevant reasons for objection? .....                                                    | 5        |
| 1.6 Other matters of concern.....                                                              | 5        |
| 1.7 Further information .....                                                                  | 6        |
| <b>2. MAJOR PLANNING APPLICATIONS / APPLICATIONS FOR MULTIPLE DWELLINGS .....</b>              | <b>6</b> |
| 2.1 Guidance for Councillors and developers .....                                              | 6        |
| 2.2 Pre-determination.....                                                                     | 6        |
| 2.3 Individual Councillors' discussions .....                                                  | 6        |
| 2.4 Pre-application for public consultations .....                                             | 6        |
| <b>3. PROCEDURES.....</b>                                                                      | <b>6</b> |
| 3.1 Weekly List .....                                                                          | 6        |
| 3.2 Town Council Representation at SBC Planning Committee .....                                | 7        |
| 3.3 Delegation .....                                                                           | 7        |
| 3.4 Display of Planning Proposals/Applications .....                                           | 7        |
| 3.5 Planning Appeals .....                                                                     | 7        |
| 3.6 Budget .....                                                                               | 7        |
| <b>4. PLANNING ENFORCEMENT .....</b>                                                           | <b>7</b> |

## 1. PLANNING APPLICATIONS GENERAL

### 1.1 What powers does Faversham Town Council have with respect to planning applications?

Faversham Town Council is a statutory consultee. We are consulted by the relevant Planning Authority, Swale Borough Council. Any views expressed by the Town Council will be taken into account by Swale Borough Council before a decision is made, providing the points made are relevant to the determination of a planning application. The final decision is made by Swale Borough Council, the Planning Authority, not the Town Council.

Faversham Town Council will normally only comment on what are known as “material considerations” – issues, for example, such as boundary disputes between neighbours or loss of views will not be considered.

### 1.2 Do Town Councils grant planning permission?

- Town and parish councils are not Planning Authorities. Town and parish councils are only statutory consultees in the planning process.
- This means that they only have the right to be informed of planning applications within the parish.
- They cannot approve or reject planning applications.
- They can only comment on planning applications in the same way that individuals can comment.
- Consequently, the length of time taken to determine a planning application is governed by the local planning authority not the town council.
- The town council can request that it be given extra time to comment on an application.
- The decision whether this is granted rests solely with the planning authority and its own deadlines for decision making.

### 1.3 How do Town Councils comment on planning applications?

- Town and Parish councils can only agree to comment on planning applications in properly called council or committee meetings which the public can attend.
- The comments agreed in the council meeting are submitted in writing by the parish clerk to the relevant planning authority.
- The process is exactly the same as that of an individual wishing to comment on a planning application.
- Town councils are statutory consultees and have no powers to approve or reject planning applications, they can only comment or not on applications.

### 1.4 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 Local Plan - and any review of the Local Plan which is underway.
- The Faversham Neighbourhood Plan and supporting documents like the Faversham Design Codes and Faversham Local Cycling and Walking Infrastructure Plan
- Adopted supplementary guidance - for example, village design statements, conservation area appraisals, car parking standards.
- Replies from statutory and non-statutory agencies (eg 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)

### 1.5 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 we have been advised should not be included in objections as they will weaken our 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

### 1.6 Other matters of concern

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. Certain issues may not be considered as 'objections' but it is entirely reasonable for Town Councils 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

### 1.7 Further information

To find out if you need planning permission or building regulations visit the Planning Portal. [www.planningportal.co.uk](http://www.planningportal.co.uk)

Planning applications can be viewed on Swale Borough Council's online planning register <https://pa.midkent.gov.uk/online-applications/>

## 2. MAJOR PLANNING APPLICATIONS / APPLICATIONS FOR MULTIPLE DWELLINGS

### 2.1 Guidance for Councillors and developers

Faversham Town Council recognises that pre-application discussions play an important role in major planning applications and welcomes the desire of developers to consult both the Council and the public more widely.

However, the Council is also aware of the importance of public perception in planning and the need to avoid any appearance of being partial or secretive.

### 2.2 Pre-determination

In all meetings with developers, Councillors are reminded of the critical importance of not predetermining their position on any future application. It is noted, however, that expressing a predisposition, for example of either 'welcome in principle' or 'concerns', is permissible.

### 2.3 Individual Councillors' discussions

In the event of any Councillor, in their capacity of Town Councillor, agreeing to meet with a developer to discuss a potential or actual, planning application, then the Councillor should inform the Town Clerk of the pending meeting and may request the attendance of a member of staff to witness the meeting. All national and local policy guidelines regarding such meetings, the principles of estoppel, etc shall be followed. For the purposes of this clause a developer is someone commercially carrying out development, not householders or self-builders.

### 2.4 Pre-application for public consultations

The Council will, in general, encourage developers to carry out a local public consultation before submitting plans for major developments. Developers will be asked to provide:

- assurance that submission is either already scheduled or firmly planned;
- an accessible venue with suitable scheduling to allow a wide range of people to attend;
- sufficient publicity to reach all likely interested parties in a timely manner;
- a genuinely open mind and willingness to adapt plans in response to feedback.

### 3. PROCEDURES

#### 3.1 Weekly List

The weekly list issued by Swale Borough Council will be sent to the planning committee. The following applications on the list which fall within the parish boundary will be listed on the planning application list at a forthcoming meeting for consultation by the committee: ADV, FULL, HYBRID, LBC, OUT, REM, TCA, TNOT and TPOA. Members are invited to notify the Deputy Town Clerk of any additional applications they would like listed for consideration at a forthcoming meeting.

#### 3.2 Town Council Representation at SBC Planning Committee

An Objection from the Town Council will result in the application going to SBC Planning Committee if the council have relevant planning reasons to object. If the Town Council objects we will endeavour to send a representative to the meeting to further explain the reasoning behind our representation.

Invitations to SBC Planning Committee will be shared with members of the FTC Planning Committee by email asking for a representative to be agreed. Priority will normally be given to ward members or the proposer of the Town Councils representation.

#### 3.3 Delegation

When there is not enough time to hold a Committee meeting before the deadline for responding to the Local Planning Authority (LPA), the Chair of the Committee, or the Vice Chair, if the Chair is unavailable, and the Deputy Town Clerk will have the authority to comment on planning applications referred to the Town Council. In some cases, feedback will be requested from all Committee members and if no response is received by the deadline, it will be assumed they agree. Where delegated power has been exercised, the observation made to the Local Planning Authority (LPA) will be reported at the next meeting of the Planning Committee.

#### 3.4 Display of Planning Proposals/Applications

The Town Council aims to support the display of documents by developers prior to application when circumstances permit.

Requests to display live planning applications from either applicants or members of the public will normally be refused. The responsibility for publishing planning applications rests with Swale Borough Council as the LPA, rather than the Town Council.

Requests from third parties to use Town Council premises for campaigning will be referred to the Town Clerk for consideration.

#### 3.5 Planning Appeals

The Planning Committee will be notified that an appeal has been lodged with the Planning Inspectorate on the Planning applications list at the first forthcoming meeting. At the meeting members will be asked to decide if the Town Council wishes to be represented and the role they wish to play.

### 3.6 Budget

The Planning Committee will be allocated an annual budget to obtain advice on planning applications.

The planning consultant appointed will normally be asked draft a representation on applications for ten or more units or sites that are allocated in the Neighbourhood Plan.

Further professional services (e.g. Legal or consultants) will be agreed by Delegated Authority by the Town Clerk (maximum of £500 (£1000 emergency legal advice)) or Policy and Finance or Full Council

## 4. PLANNING ENFORCEMENT

If you suspect there has been a breach in a planning application you can report your concerns to Swale Borough Council Planning Enforcement by clicking this link:

<https://swale.gov.uk/planning-and-regeneration/planning-breaches-and-enforcement/report-a-breach-of-planning-consent#h>