

A guide to commenting on planning applications

What is this guide about?

The planning system can be confusing and complicated, so we want to help members of the public understand it. This guide should help you if you want to comment on a planning application. It explains how we process planning applications, how you can let us know your views, and what concerns we can and cannot take into account.

We receive planning applications, for building work or to change how a property is used, from private individuals, companies or other organisations. The Government target is for us to make a decision on planning applications within eight weeks, so it is important that we receive your views as early as possible.

How are decisions made?

The Principal Planners, who are senior council officers, make most decisions on applications to:

- extend a home;
- build one new home;
- change the use of land or a property; or
- carry out work on small business developments.

Major applications are decided by the planning committee. The committee meets about every three weeks. Members of the public may go to the committee, but they cannot speak.

How can I make my views known?

We normally have to consult people who own or occupy neighbouring properties, and some applications are also advertised at the relevant site and in the local press. We usually give people 21 days to respond. We may not be able to consider comments received after 21 days. If you receive a letter about a planning application relating to land or property near you, you can give your views by writing to the case officer (whose name and address will be on the letter). Or you can send an e-mail to planning.representations@medway.gov.uk if you prefer. Please remember to quote the reference number from the letter.

By law, we must make your letter available for anyone to inspect, so we cannot keep your correspondence confidential. We will send a reply to all the letters and e-mails we receive, so please give us your address, even if you send us an e-mail.

What can't you take into account?

We must base our decision on recognised material considerations. If we took account of other matters, or if we failed to take account of a material consideration, our decision could be challenged and overturned.

Matters that we cannot take into account include the following.

- 'Property covenants'. Legal restrictions on the use and sale of properties are civil matters. Planning permission does not override any restriction or condition arising from a covenant, and planning decisions cannot be based on a covenant.
- Right to Light Act. This law is also a civil matter, and we cannot take its provisions into account when considering planning applications.
- The effect on the value of a property. A development may affect the value of your house or land, but this is not a planning matter. Planning decisions cannot take this into account and there is no system for compensation.
- Loss of view. Although we consider how close a new building would be to a window or garden, loss of view is not a planning matter.
- Competition. The planning system cannot be used to protect the income of a business or to promote one business over another. In some cases, we try to avoid losing some types of service (such as village pubs) or to avoid having too many services (such as takeaways) in an area.
- Work that crosses the boundary onto your property. People applying for planning permission must give notice to the people who own any land their work will go onto. However, we can give planning permission for a development that is partly or totally on your land. (This would include foundations, guttering, eaves of a roof or other building work crossing over a boundary.) The planning permission

does not give the applicant the right to carry out the development, as he or she will need your permission. You can view details on the Party Wall Act <http://www.stgbc.org.uk/Advice-Guidance.asp?ID=7> which gives more information on such matters

- Construction details. These matters are dealt with under the Building Regulations. You can get more information by phoning 01634 331568 or 01634 331569.
- Disturbance from construction work. Construction work sometimes causes noise, dust and disturbance, particularly if it is close to people's homes. We cannot take such disturbance into account when considering planning applications. You should make your complaints to our Environmental Protection Team on 01634 333059 or 01634 333052.

What concerns can you take into account?

By law we can take account only of concerns which are recognised as being 'material considerations'. The main consideration is whether or not the application is in keeping with the Development Plan, which is made up of the South East Plan 2009 and the Medway Local Plan 2003. Various other documents also contribute to the decision-making process, including national guidance and Kent Design.

The Local Plan contains most of the policies we use to make decisions (including policies on the design of developments, the effect they have on neighbours, protecting the countryside and so on). You can see these plans at the planning office or at your local library.

Government guidance states that we should make decisions in line with the Development Plan unless other material considerations lead us to decide otherwise.

Material considerations include the following.

- The design of a development. (The design should be high quality and in keeping with the original property and street scene.)
- The effect on historic buildings, conservation areas and protected trees.
- The potential effect on homes nearby, including loss of light, loss of outlook, closeness, loss of privacy and noise disturbance.
- Any effect on vehicle, pedestrian or cycle safety.

This list does not give all material considerations, but it shows you the types of thing we take into account.

Will the officer considering my application visit my home or premises?

We will carry out a detailed inspection of the site. Our officers can assess most planning applications without having to enter neighbouring premises. The officer may contact neighbours for information or to visit their property if this is necessary in order to assess your application.

Where can I get more help?

When you find out about a planning application which you feel affects you, your first course of action should be to look at the plans either at the planning office or online at <http://planning.medway.gov.uk/dcwebpages/acolnetcgi.exe>

If you have any complaints about the way we have dealt with an application you should contact our Service Monitoring Officer on 01634 331410.