

MATERIAL CONSIDERATIONS IN PLANNING DECISIONS

When a decision is made on a planning application, only certain issues are taken into account. These are often referred to as 'material planning considerations'. The list below identifies a number of common examples, although it must be noted that it is not exhaustive and further material planning considerations may exist in specific circumstances.

- ✓ National **Planning Policies** and policies in the Development Plan
- ✓ **Emerging plans** which have been through at least one stage of public consultation e.g. Neighbourhood Plans
- ✓ **Evidence Base** to Core Strategy/Technical Documents
- ✓ **Government and Planning Inspectorate requirements** - circulars, orders, statutory instruments, guidance and advice
- ✓ Principles of **Case Law** held through the Courts
- ✓ Previous **appeal decisions** and application **approvals/refusals**
- ✓ **Pre-application** planning consultations
- ✓ **Private amenity**: daylight, sunlight, privacy, outlook/overbearing (45/25 degree test and separation distances) though not loss of view as such (CS.9)
- ✓ **Highway issues**: traffic generation, vehicular access, highway safety (CS.26)
- ✓ **Noise or disturbance** from use, including proposed hours of operation (CS.9, CS.22)
- ✓ **Smells and fumes** (CS.9)
- ✓ Capacity of **physical infrastructure**, e.g. public sewers (CS.4)
- ✓ Deficiencies in **social facilities**, e.g. spaces in schools (CS.25)
- ✓ Storage of **hazardous materials** and development of **contaminated land** (CS.9)
- ✓ Loss or effect on **trees** (CS.7, CS.9)
- ✓ Adverse impact on **nature conservation & biodiversity** opportunities (CS.6)
- ✓ Effect on **listed buildings** and **conservation areas** (CS.8)
- ✓ **Incompatible or unacceptable uses** (CS.9)
- ✓ Local **financial considerations** offered as a contribution or grant (CS.27)
- ✓ **Layout and density**, visual appearance and finishing materials (CS.9)
- ✓ Effect on **streetscene, character of the area** (CS.9, CS.15)
- ✓ Inadequate or inappropriate **landscaping** or means of enclosure (CS.5, CS.7, CS.9)
- ✓ **Energy Conservation** (CS.3)
- ✓ Effect on **flooding** and surface water runoff (CS.4)

The weight attached to material considerations in reaching a decision is a matter of judgement for the decision-taker; however, the decision-taker is required to demonstrate that in reaching that decision they have considered all relevant matters.

Generally, greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

If an identified problem can be dealt with by means of a suitable condition then the Local Planning Authority is required to consider this rather than by issuing a refusal.

NON-MATERIAL PLANNING CONSIDERATIONS

- ✗ **Matters controlled under building regulations** or other non-planning legislation e.g. structural stability, drainage details, fire precautions, matters covered by licences etc.
- ✗ **Private issues between neighbours** e.g. land/boundary disputes, damage to property, private rights of access, covenants, ancient and other rights to light etc.
- ✗ **Problems arising from the construction period** of any works, e.g. noise, dust, construction vehicles, hours of working (covered by Control of Pollution Acts).
- ✗ Opposition to the **principle of development** when this has been settled by an outline planning permission or appeal
- ✗ **Applicant's personal circumstances** (unless exceptionally and clearly relevant, e.g. provision of facilities for someone with a physical disability)
- ✗ **Previously made objections/representations** regarding another site or application
- ✗ **Factual misrepresentation of the proposal**
- ✗ Opposition to **business competition**
- ✗ **Loss of property value**
- ✗ **Loss of view**
- ✗ **Religious/moral objections**
- ✗ **History or character of applicant**
- ✗ Concerns about **future development**
- ✗ The **number of representations** (as opposed to their content)

STRATFORD-ON-AVON DISTRICT COUNCIL

CORE STRATEGY 2011 TO 2031

CS.1 Sustainable Development

District Resources

CS.2 Climate Change and Sustainable Construction

CS.3 Sustainable Energy

CS.4 Water Environment and Flood Risk

CS.5 Landscape

CS.6 Natural Environment

CS.7 Green Infrastructure

CS.8 Historic Environment

CS.9 Design and Distinctiveness

District Designations

CS.10 Green Belt

CS.11 Cotswolds Area of Outstanding Natural Beauty

CS.12 Special Landscape Areas

CS.13 Areas of Restraint

CS.14 Vale of Evesham Control Zone

Development Strategy

CS.15 Distribution of Development

CS.16 Housing Development

CS.17 Accommodating Housing Need Arising from Outside Stratford-on-Avon District

CS.18 Affordable Housing

CS.19 Housing Mix and Type

CS.20 Existing Housing Stock and Buildings

CS.21 Gypsies and Travellers and Travelling Showpeople

CS.22 Economic Development

CS.23 Retail Development and Main Centres

CS.24 Tourism and Leisure Development

Infrastructure

CS.25 Healthy Communities

CS.26 Transport and Communications

CS.27 Developer Contributions

Area Strategies

AS.1 Stratford-upon-Avon (Proposals SUA.1, SUA.2, SUA.3, 137 SUA.4)

AS.2 Alcester (Proposals ALC.1, ALC.2, ALC.3)

AS.3 Bidford-on-Avon

AS.4 Henley-in-Arden

AS.5 Kineton

AS.6 Shipston-on-Stour

AS.7 Southam (Proposals SOU.1, SOU.2, SOU.3)

AS.8 Studley

AS.9 Wellesbourne

AS.10 Countryside and Villages (Policy AS.10)

AS.11 Large Rural Brownfield Sites (Policy AS.11)

Gaydon/Lighthorne Heath New Settlement (Proposal GLH)

Long Marston Airfield New Settlement (Proposal LMA)

Redditch (Proposals REDD.1, REDD.2)

