

Blackdown Hills Parish Network

The Particular Strengths of a Parish Council's Role in Planning

Parish Councillors can bring local knowledge of:

- the material issues at grass roots level;
- the effect that policies described in the District Council's Local Plan and, where applicable, the relevant Neighbourhood Plan have in the area;
- access to information on local needs.

The Parish Council can particularly help identify these issues if it has adopted a Parish or Neighbourhood Plan.

A major weakness is bringing in prejudicial, limited or irrelevant views, rather than concentrating on material considerations.

Engaging right from the early stages of a Local Plan means the Parish Council has a chance to influence the strategic policies for housing and other developments in their area.

"THE MOST FREQUENTLY OCCURRING MISTAKE IN DECIDING IN FAVOUR OF PLANNING APPLICATIONS IN AONBs WAS TO FAIL TO IDENTIFY THE NPPF POLICY UNDER WHICH AONBs ARE EXEMPTED FROM THE PRESUMPTION IN FAVOUR OF GRANTING PERMISSION FOR SUSTAINABLE DEVELOPMENT"

*The National Trust 'AONBs and Development'
September 2015*

Blackdown Hills Parish Network

This leaflet is published for the benefit of Blackdown Hills Parish Network Parish Councillors by the Housing & Planning Action team of the Steering Group and supported by the AONB.



The Blackdown Hills Parish Network (BHPN) was established in 2012, following publication of the Blackdowns Hills Community Plan in Autumn 2011. The consultation established that most of the parishes, each wholly or partially within the Blackdown Hills AONB boundary, share common problems, most relating to communications, housing & planning and issues around traffic and transport.

The BHPN seeks to unite and assist parishes to alleviate these and other key problems as they arise. Many of the parishes make a regular annual contribution to the BHPN and send representatives to regular General Meetings, supporting the activities of the elected Steering Group. The BHPN is represented as a stakeholder of the Blackdown Hills AONB Management group.

Membership of the BHPN is open to all parishes with a whole or partial footprint within the Blackdown Hills AONB boundary

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Housing and Planning in the Blackdown Hills for Parish Councillors



The Role of the AONB in Planning

The AONB Partnership is a non-statutory consultee on planning matters (policy and applications); this means that it is not consulted as a matter of course on every application, and it is up to the local planning authority whether or not to seek its advice.

There are approximately 400 planning and related applications per year in the AONB. The small team only comment on an application if it is thought likely to have a significant impact, providing advice on how a development proposal affects the natural beauty of the AONB.

Natural beauty is not just the look of the landscape, but includes landform, geology, landscape features, habitats, wildlife and heritage.

The AONB Partnership is not a pressure group or campaign organisation, but seeks to provide professional, targeted advice on AONB Management.

For more information about the work of the AONB Partnership, see: www.blackdownhillsaonb.org.uk



Blackdown Hills
Area of Outstanding Natural Beauty

The National Planning Policy Framework

The National Planning Policy Framework (NPPF) emphasises that the Local Plan is the starting point for deciding planning applications, and that it is highly desirable for local planning authorities to have an up-to date Local Plan in place.

Where a Local Plan is 'absent, silent, or relevant policies are out-of-date', the NPPF's presumption in favour of sustainable development applies in most areas – meaning that the proposal should normally be granted unless the adverse impacts would 'significantly and demonstrably' outweigh the benefits of the proposal.

However, in AONBs this presumption does not automatically apply*, and applications must still be judged against paragraphs 115 and 116:

'115. Great weight should be given to conserving landscape and scenic beauty in ... AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas....

116. Planning permission should be refused for major developments in these areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:**

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.'

** NPPF paragraph 14, footnote 9.*

***major development, in this context, is not defined. It is a matter for the local decision taker, taking account of the proposal and local context.*

What is meant by a Material Consideration

When a decision is made on a planning application, **only certain matters that are relevant to the decision are taken into account.** These are the issues known as material considerations, and can include:

- Local and national planning policies
- Appeal decisions and case law
- Overshadowing, overlooking, loss of privacy
- Infrastructure, highways, noise
- AONB Management Plan
- Nature conservation, heritage and landscape

Issues such as loss of view, loss of property value, land disputes and opposition to competition are **not** material considerations.

Planning law requires that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise.

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 suitable condition(s) then the local planning authority is required to consider this before refusing an application.