

EXAMPLES OF MATERIAL PLANNING CONSIDERATIONS

In considering planning applications, the Local Planning Authority (LPA) has a statutory duty to have regard to the provisions of the Development Plan and other material considerations.

A material planning consideration is any consideration that relates to the use and development of land. A material consideration must be a genuine planning consideration, ie it must be related to the purpose of planning legislation and must also fairly and reasonably relate to the issue in question.

Examples of material considerations that can be taken into account when assessing a planning application:

- Previous planning decisions on the application site
- Previous appeal decisions on the site and on other sites for similar proposals
- Traffic generation from the development proposed
- Road access to the site of the development proposed
- Nature conservation/impact on protected species and habitats
- Landscaping needed/proposed as part of the development
- Noise and disturbance resulting from the proposed use/development
- Loss of trees and the impact on trees covered by a Tree Preservation Order
- The layout and density of the development proposed
- Overlooking and loss of privacy
- Strategic and National planning policies
- Government Circulars, Orders and Statutory Instruments
- The impact of the development proposed on heritage
- The design, appearance and materials of the proposed development
- Smells generated by the development proposed
- Impact on Highway safety
- Adequacy of parking, loading and turning facilities associated with the proposed development
- Impact on visual amenity (but not loss of a private view)
- Loss of light or overshadowing resulting from the development proposed
- Archaeological impacts
- Hazardous materials/ground contamination

Examples of non-material considerations that cannot be taken into account when assessing a planning application:

- Loss of property value
- Loss of private view
- Potential future use of the development proposed
- Private disputes between neighbours (eg land ownership)
- Restrictive covenants
- Fence lines/boundary positions
- Personal morals or views about the application
- Ownership disputes

- Applicant's motives or conduct
- Damage to property
- Encroachment of foundations, gutters, pipes, etc
- Structural stability of a property or adjacent property
- Terms of alcohol or gaming licences
- Competition
- Issues covered by other legislation (eg Building Control, Environmental Health)
- Impacts during construction work (eg general noise and disturbance)
- Other legal matters affecting land
- Disputes over private access rights