

Extract from Wiltshire Council website

Comments on a planning application can only be taken into account if they relate to material planning considerations.

Material planning considerations do NOT include the following:

Retrospective Applications: Development carried out without the necessary planning permission is generally not an offence and planning legislation makes provision for planning applications to

be made retrospectively. If the development is acceptable on its merits, the Council cannot withhold permission simply to punish a pre-emptive development. However, if the development is unacceptable, the Local Planning Authority will need to consider the commencing of enforcement proceedings against the developer.

Trade Objections: it is not the role of planning to interfere in matters of competition between businesses other than at strategic level, e.g. when the vitality of a town as a whole is threatened by an out of town retail park. An example of a 'trade objection' might be "We don't need another electrical shop as there's been one in this street for years".

Moral Objections: for instance against betting shops, lottery kiosks or amusement arcades, although there may be genuine planning reasons for refusal such as noise and disturbance to adjoining residents resulting from the potential attraction of these establishments

Views: the loss of an attractive private view, e.g. when development is proposed on the opposite side of a road or to the rear of an objector's house. There is no right to a private view, but the loss of residential amenity generally and matters such as overlooking, privacy or public views, are important considerations.

Property values: fear that an objector's house or property might be devalued.

Ownership: the fact that the applicant does not own the land to which his application relates, (because this can be overcome by agreement) or that an objector is a tenant of land where development is proposed.

Covenants: allegations that a proposal might affect private rights, e.g. restrictive covenants, property maintenance, private rights of way or boundary disputes. An example might be when an extension on a boundary is acceptable in planning terms but might be difficult to maintain. Such considerations are legal or contractual matters on which objectors, neighbours or applicants should consult their own solicitor or adviser.

Personal: arguments of a personal kind relating to the associations, financial circumstances or ethnic origin of the applicant. The personal circumstances of applicants can only be taken into account in exceptional circumstances, for example where the applicant's proposed use of a building would be acceptable but the planning permission, if not made personal, would unacceptably allow more intensive uses in the same Use Class. The planning system does not exist to protect the private interests of one person against the activities of another. The material question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

Problems associated with the construction period of any works e.g. hours of work, noise, dust, construction vehicles.

Other legislation: where there is specific legislation imposing controls e.g. Building or Fire Regulations, or Health and Safety, etc., then these should not be duplicated by the Local Planning Authority.

Material planning considerations DO include the following:

Local, strategic, regional and national planning policies, including proposals in the development plan.

Government circulars, orders and statutory instruments

Case law and previous planning decisions.

Effect on Listed Buildings, Conservation Areas and Areas of Outstanding Natural Beauty (AONB).

The environmental qualities of the surrounding area, the visual character of a street and the amenity or privacy of dwellings.

Road safety, vehicular access, car parking and traffic generation together with other public services such as drainage.

The size, layout, siting, density and design/visual appearance and materials of the development.

Light pollution

Loss of daylight or sunlight

Overshadowing/loss of outlook (but not loss of view)

Overlooking / loss of privacy

Hazardous materials/ground contamination

Nature conservation

Loss of trees.

Noise, disturbance, smells.

Public or other proposals for using the same land.

Archaeology

Risk of flooding

Landscaping

Disabled persons' access