

Colebrooke Parish Council Planning Policy

Colebrooke is a rural parish within the district of Mid Devon and is comprised of Colebrooke, Coleford and Penstone.

Colebrooke Parish Council is not a planning authority, but has a statutory right to be consulted on all planning and development applications and decisions within and relevant to the parish,

The responsible authority, Mid Devon District Council, has a duty to consider the views of the parish council when reaching a decision.

Aims

- Colebrooke Parish Council is committed to ensure the parish has a voice in planning matters, strives to ensure the decisions and recommendations it makes on planning applications are well informed, transparent and inspire confidence. All councillors will abide by Colebrooke Parish Council's Code of Conduct, and must declare any personal/prejudicial interest that may preclude participation in discussion or voting.
- It will take careful consideration of the environment to emphasise
 - the critical need to reduce its carbon footprint,
 - the importance of walking, cycling and public transport,
 - the need to conserve and improve natural habitats, especially woodland, farm land, hedgerows and field borders,
 - the need to protect vulnerable and protected species,
 - the need to minimise the risk of flooding,
- It will increase and improve, wherever practicable, facilities for parishioners.
- In addition, where the Parish Council has the opportunity, it will:
 - encourage the protection and enhancement of the unique character, beauty, heritage and biodiversity within the Parish,
 - ensure the character and quality of the Parish's natural beauty and heritage are not compromised by inappropriate development,
 - highlight the importance and value of our local environment and its contribution to our community's quality of life,
 - encourage local action including the encouragement of organic farming, in support of the environment.

Developments in nearby parishes

Colebrooke Parish Council occasionally receives an invitation to comment on developments in neighbouring parishes.

On occasion parishioners approach councillors with concerns about developments in neighbouring parishes.

Any parish councillor with concerns can request that such applications are included in the next parish council meeting. The councillor will contact the Parish Clerk and Parish Council Chairman for approval with details of the application and the reason(s) for their request.

The parish council has no statutory right to be consulted on developments in nearby parishes. However, there are a number of situations where neighbouring developments may have important implications for Colebrooke Parish. These include any application:

- likely to lead to a significant increase in traffic on our lanes.
- likely to lead to a change in the type of traffic using our lanes, for example change of use to business or some agricultural development may lead to an increase in deliveries, lorries, caravans/trailers etc.
- that may have an impact on existing businesses within the village.
- that is not within an existing village, could potentially have an effect on the 'rural tranquillity' of the area, affect night-time dark skies, be visible on the skyline, &/or represent a significant adverse change to the existing rural landscape, especially if visible from within the parish.

Beneficial effects need to be measured against adverse ones.

Planning procedures

The Parish Council is normally given 21 days to respond. Sometimes the council is given extra time to respond upon request. Where possible all applications will be considered at a meeting of the Parish Council.

If considered appropriate there is provision for an extraordinary planning meeting.

On receipt of an email detailing a planning application the Clerk will:

1. Check that the planning application is available to view on the Mid Devon website.
2. Send an email notifying all members of the Parish Council that a planning application has been received together with the application number / link so that it can be accessed on the Mid Devon District Council website. All councillors will be expected to look at the planning application via the online link.

Where a request to consider a planning application in another parish has been approved by the Chairman, the reason(s) for considering the application will also be circulated.

3. Publicise the planning application on the Parish Council website.
4. Schedule the planning application for consideration at the next parish council meeting.

Where time constraints require a response before the next parish council meeting, to ensure all comments are returned within the timescale, the following process will be used:

1. The Parish Clerk will circulate all information to councillors.
2. Councillors return their comments on the application to the Clerk, sharing these with fellow councillors.
3. The Clerk, using delegated powers, will collate information, inform all members of such comments and ask if they agree these be submitted or if they would like to ask the Chair to call an extraordinary planning meeting.
4. If the members are in agreement with the comments, the Clerk will forward these to Mid Devon District Council, copying in the District Councillors, making it clear that these comments were as the result of a circulation process and not the result of a resolution at a meeting of the Council.

Parish councillors are not expected to visit properties subject to a planning application. If any councillor wishes to make a visit this should be agreed by the Chair in advance and be with the permission of the owner.

A site visit

Exceptionally a site visit by members of the parish council may be appropriate in order to help establish facts. If a site visit is deemed to be required by the Chairman, the Parish Clerk will make arrangements:

1. All Parish Councillors will respond to the Clerk within 24 hours to confirm their availability.
2. After consultation with the Chairman The Parish Clerk will circulate details of the date, time and place of the site meeting to all Parish Councillors.
3. Councillors will attend a site visit. Those Councillors who attend the meeting are expected to have read the application and supporting documents as they appear on the local authority website right up to the time of the site meeting.
4. A note taker should be agreed preferably before the meeting to record details of the Parish Councillors who attend, numbers of the public and the areas which the members of the public bring to notice of the Councillors.

All Councillors will arrive promptly for the meeting and be able to stay for the whole of the meeting which should not exceed an hour.

The Chairman will meet with the applicant(s) and any member of the public and introduce the Parish Councillors present and seek the views of the public on the application in the open part of the meeting. Once the Chairman is satisfied that all the concerns have been heard, the applicant and members of the public should be informed that the recommendation will be ratified at the next meeting of the Parish Council. They should also be advised that the Parish Council's recommendation will be placed on the council's website.

Members of the Parish Council should then withdraw to discuss the information with the applicant, study the plans and site and seek any further information from the applicant/agent.

The note taker should record key issues from the discussion.

Reporting the parish council's response

The Parish Clerk should respond giving detailed reasons, especially important when the parish council objects to a planning application. The Chair should ensure that the exact wording of the response is agreed at the meeting.

Reporting planning issues to MDDC Planning Enforcement Team

The parish council does not report suspected infringements to the planning enforcement team. Councillors have no knowledge of the source of any reports to the team. They are however kept aware by the enforcement team of the current reports. All information is strictly confidential to councillors.

The Planning policy will be reviewed at the Annual Parish Council meeting in May.

Planning and Colebrooke Parish Council: notes for parishioners

This note provides a brief planning guide on the role of the Parish Council and related procedures including ways in which the community can make its voice heard. Some procedures are good practice and not defined by law. This note provides further transparency around existing procedures so that everyone has a shared understanding of them.

For definitive and detailed guidance reference must be made to Mid Devon District Council as the responsible planning authority.

Development Control / Development Management

Mid Devon District Council is the responsible planning authority and controls development by responding to applications for permission to carry out new building, extensions, alterations or changes of use.

Some proposals (like certain small extensions) are known as “permitted development”, which means that they can be built without further planning permission being required.

However, in certain cases, permitted development rights may have been withdrawn by the District Planning Authority and specific permission is required for any alterations to the property. In addition, other properties, such as listed buildings or buildings in non-residential use, may have extra protection under other legislation or will automatically need to be made the subject of a planning application. Some areas are protected by special status, including for example Conservation Areas and Sites of Special Scientific Interest. Here special attention will be paid to development to ensure it does not harm the character, appearance, or ecological value of that area.

Most planning applications are dealt with by the planning authority’s officers, but approvals of major applications (eg. housing estates or supermarkets), are dealt with by Mid Devon District Council’s Development Management Committee (DMC), or even central government.

Other applications may be called in for a decision by the DMC where the Parish Council state a view on the application which is contrary to that of the planning officer, and express planning reasons for taking that view.

Additionally, if in the opinion of the local District Councillor there is uncertainty in the matter they can recommend that the application goes to committee.

The great majority of applications are decided by planning officers without being reported to the DMC. In these cases, the case officer will report the recommendation to a senior officer with delegated authority to make decisions. The case officer's recommendation may or may not be accepted and the decision is not made until the formal Notice of Decision is signed by the senior officer.

Decisions are dispatched shortly after being made. Anyone who has commented in writing on the application will normally be notified by the planning authority of the decision by letter.

Decisions about planning applications will be guided by the planning authority’s policies for development. Relevant local policies are put together to provide a ‘local development framework’ (LDF). The District Council publish specific guidance for people wishing to extend a residential property to ensure that extensions do not harm the appearance of the area, the neighbours enjoyment of their own property or other features of importance.

Colebrooke Parish Council is consulted by the District Council on planning applications within the Parish. While the Parish Council does not make planning decisions (it does not grant or refuse permission) it does submit observations to the authority, which the District Council can take into account when making a final decision.

In some cases, even where an objection is raised, the District Council may decide that other planning-related considerations outweigh local concerns and permission will be granted. In other cases, permission might be refused, and the applicant will exercise their right of appeal to

the Secretary of State via the Planning Inspectorate, to have the refusal reconsidered and sometimes overturned.

When the Council receives a planning application it will be discussed at the next full Parish Council meeting wherever possible. Planning applications are listed on our meeting agenda.

When the application is to be discussed at a formal Parish meeting, the applicant and any parishioners may attend to express their views.

However, the District Council usually requires a reply within two weeks, whereas the Parish Council only meets every month. Planning authorities require quick replies because the timescales for dealing with planning applications are identified at national level and in most cases will require a decision from the District Council within 8 weeks.

This often means that the Parish Council has to respond between its regular cycle of formal meetings. In these circumstances the Councillors would use their best endeavours for a quorum of the Parish Council to discuss the application with the applicant.

There are rules that guide Parish Councillors behaviour in public life. Councillors must declare their interest in a matter to be discussed at a meeting as soon as they are aware they have an interest. Depending on the nature of the interest a Councillor may have to leave the room when the Council moves into decision-making and cannot be present for any vote.

The Parish Clerk has an important role in advising the Chair to ensure probity at all stages in the decision-making process and in offering impartial guidance to the Parish Council on their responsibilities and ensuring that the proper procedures are followed.

Commenting on Planning Applications – making your voice heard

Planning applications can be viewed on-line on Mid Devons District Council Planning website, where it is possible for you to submit your comments on-line for some applications. You can also make your comments on a planning application known to the relevant officer at the District Council. Any comments must be made in writing and will be in the public realm.

You can let the Parish Council know your views verbally or in writing and/or, if appropriate, attend our meetings and voice your views. The Parish Council will consider, but not be bound by, comments and representations made to them in arriving at its decision.

Individuals have the opportunity to comment on any development, but it is important to understand which comments will hold any influence on planning decisions.

Comments that are material/relevant to the process:

- National and local planning policy
- Design/ siting/ external appearance
- Visual impact
- Privacy/overbearing
- Daylight/ sunlight
- Noise/ smell/ pollution
- Access/ traffic/ highway safety
- Health and safety
- Ecology/ landscape
- Heritage assets
- Crime (and fear of)
- Economic impact
- Tourism impact

- Planning history/ related decisions
- Cumulative impact
- Flood risk

Comments that are not material/relevant:

- The applicant
- Land ownership
- Private rights (e.g. access)
- restrictive covenants/ deeds
- property values
- competition
- loss of private view
- “moral” issues
- “better” site or use
- Change from previous scheme
- Personal circumstances (seldom outweigh material considerations)
- Number of objections/ support received
- Disruption caused by associated works

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