

## Petition: P-05-705 Planning Committees and local community groups

Y Pwyllgor Deisebau | 27 Medi 2016  
Petitions Committee | 27 September 2016

### Research Briefing:

Petition number: P-05-705

Petition title: **Encourage planning committees to ensure that planning decisions take due regard of the impact on, or closure of local community groups and voluntary organisations**

Petition text:

Increasingly local churches and community buildings are closing and being sold for development, despite them still being actively used by community groups. Often these sales are subject to planning permission being given for the conversion or demolition of the building before the purchaser will complete the sale. Unfortunately this process often means that community groups like nurseries and scout groups are forced to vacate the premises during the planning process. We call, therefore, for the National Assembly for Wales to urge the Welsh Government to change planning law or guidance to ensure that planning committees must take into account in the planning approval process consideration of the impact on the local community of the eviction of community groups.

### Background

Planning applications are usually considered by local planning authorities. Decisions are made by examining the application in the context of:

- national planning policy and guidance as prepared by the Welsh Government;
- policies in the local planning authority's development plan for the area; and
- any other relevant issues, known as "material considerations".

The application must normally be determined in accordance with policies in the development plan, unless material considerations indicate otherwise.

In principle, any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration is material in any given case will depend on the circumstances. It is ultimately for the Courts to decide. [Planning Policy Wales \(Edition 8 January 2016\)](#) – the Welsh Government’s national planning policy – gives some guidance on what are material considerations. They must be genuine planning matters, that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability.

The Courts have the final say on what may be regarded as material considerations in relation to any particular application, but they include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and **the impact on the neighbourhood** and on the environment. The effects of a development on, for example, health, public safety and crime can also be material considerations, as can public concerns in relation to such effects.

Once an application has been accepted for consideration by a local planning authority, a 21 day publicity and consultation period commences. The extent of this depends upon the type of application submitted and the policy of the local planning authority. However the law requires it to give publicity to an application in various ways. This allows those who may be affected by it have the opportunity to make their views known.

The publicity often includes:

- publishing a notice in a local newspaper;
- posting on the local planning authority’s website;
- posting a public site notice; and
- notifying neighbours in writing (occupiers and owners of adjoining properties).

When determining an application, all comments received must be taken into account. Once a decision has been made, all those who provided comment must be informed.

The local planning authority planning committee is ultimately responsible for all local planning decisions. Planning officers employed by the authority will make a recommendation to the committee about whether or not to approve an application and any conditions that should be imposed. The planning committee does not have to agree with the officer recommendation, but if they decide to reject an application against officer advice they must do so on planning grounds and give their reasons. The decision may be overturned on appeal with costs being awarded against the authority if valid planning reasons for the decision cannot be demonstrated.

Smaller applications are often decided by the local planning authority’s Chief Planning Officer, who can be granted powers by the authority to decide some applications under a “delegated authority” scheme.

## Welsh Government action

Lesley Griffiths, the Cabinet Secretary for Environment and Rural Affairs, wrote to the Committee on 21 August 2016. She said:

Planning Policy Wales (Edition 8 January 2016) states that when determining a planning application the local planning authority must take into account the substance of local views, which would include any representations made by local community groups regarding the loss of local facilities and the impact this could have on the community.

**The current use of a building and the potential loss of community facilities is already a material consideration in the determination of a planning application** [Research Service emphasis] and where such a loss is considered by the local planning authority to create an unacceptable negative impact on local amenity it is possible for the local planning authority to refuse planning permission or seek appropriate mitigation from the applicant. However, the weight to be afforded to each material consideration is a matter for the decision maker and it would usually be for the planning committee to determine on a case by case basis as each planning application should be determined on its own merits.

The Cabinet Secretary's letter also draws attention to the new pre-application requirements now in force in Wales. Applicants for "major developments" are required to consult with the community (occupiers, neighbours and ward councillors) before submitting a planning application. The applicant needs to take account of the community's comments and concerns and submit a Pre-application Consultation (PAC) Report showing how they propose to address those concerns, alongside their planning application.

The content of the PAC Report will be a material consideration which the local planning authority will need to consider when determining the application.

Major developments can include:

- the winning and working of minerals;
- waste development;
- housing developments of 10 or more units or 0.5 hectares or more in area;
- provision of a building or buildings of over 1,000 square metres; or
- a development site of one hectare or more.

## National Assembly for Wales action

This issue has not yet been considered by the Assembly.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.