

# IMPLEMENTATION AND INTERPRETATION OF PLANNING POLICIES

**Report By: Head of Planning Services**

## Wards Affected

County-wide

## Purpose

1. To advise Members on the implementation and interpretation of planning policies.

## Financial Implications

2. None.

## Background

3. As reported to the Committee on 26th June, following consideration of a number of possible themes for the scrutiny programme, one of the themes Members expressed an interest in pursuing was the scope for local discretion, in Planning (Development Control) policies, noting implications of some decisions on adult social care provision and other Council priorities. At an informal meeting on 20th July Members also identified the following additional issues: the scope to take account needed to be taken of the Council's requirements in relation to provision of energy efficient buildings and the quality of build, design and density.

## Issues

4. Since 1990 the planning system has been plan-led. The starting point for the determination of all planning applications is now local plan/Unitary Development Plan (UDP) policies that are relevant to the application. All local planning policies are effectively vetted by the Planning Inspectorate to be in general conformity with national (and more recently) regional planning policies. Local Planning Authorities (LPAs) are also required to consider all other material planning considerations relevant to that proposal.
5. The LPA is expected to determine any application in accordance with the provisions of the development plan unless material considerations dictate otherwise.
6. In exercising this discretion LPAs should be reasonable in all aspects. Members are not expected to give excessive weight to minor issues, or to give significant weight to the personal circumstances of the applicant.
7. There will inevitably be a wide range of circumstances where professional and political judgements need to be made. Decisions against approved planning policy should always be the exception rather than the rule, and the reputation of any LPA would be put at risk if local exceptions were made on regular basis against policy context and professional advice. Members have an important role in both policy

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Further information on the subject of this report is available from  
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formulation and decision-making on individual planning applications. The planning process recognises this factor in general, and the local knowledge which Members bring to the process in particular. The planning system encourages balanced decisions which are soundly based in policy, and which respect local character and distinctiveness.

8. Members have previously raised the specific issue of adult social care provision. In most cases applications for adult care homes/related facilities fall within the County's major settlements and in principle conform to the policy framework (subject to detailed assessment).
9. Individual planning applications for residential development in the open countryside for elderly relatives/retired farmers and farm workers fall to be determined on the principles set out in paragraphs 5, 6 and 7 above. By way of example applications for new residential development in the countryside for elderly relatives would be assessed against the strong presumptions in national planning policy (PPS7) and the various local plan/UDP policies. Applications to create a largely self-contained annex to dwellings in the countryside (including dwellings with agricultural occupancy conditions) could be considered on their individual merits subject to other policy considerations (i.e. the size and extent of extensions) and the imposition of appropriate conditions (e.g. any extension being an annex rather than a separate dwelling and/or subject to its own agricultural occupancy condition). Similarly there are separate policies which control applications for the residential use of agricultural buildings.
10. By the way of a policy update the publication of the Inspector's report marks a key stage in the eventual adoption of the UDP. Other than in respect of those areas of the plan subject to proposed modifications, the UDP now has the same status that it will enjoy on adoption.

## RECOMMENDATION

**THAT, subject to any comments the Committee wishes to make the report be noted.**

## BACKGROUND PAPERS

- None identified.