

I want to make comments on a planning application...

This note has been produced by the Planning Division to provide advice and guidance to Parish Councils, neighbours and other interested parties, who wish to comment on planning applications, on what factors the District Council can legitimately consider in reaching a decision on any particular planning application.

The legal framework for planning requires that, where the "Development Plan" contains relevant policies, applications for development which are in accordance with the plan shall be allowed, unless material considerations indicate otherwise. In Rochford, the "Development Plan" comprises the Rochford District Local Plan and the Essex and Southend Structure Plan. The Local Plan is currently being updated.

In 2004, changes were made to the planning system and the Structure Plan is being replaced by the East of England Plan. Over the next three years, the Local Plan will also be replaced by the Rochford Local Development Framework. Full details can be found on the Council's website. Planning legislation is intended to regulate the development and use of land in the public interest.

The criteria against which all planning applications are tested are often referred to as 'material planning considerations'. In preparing any comments on a particular application, it is important to know what these considerations are, as the Local Planning Authority is not allowed to consider non-planning arguments in reaching its decision on an application. The fact that you may not like a particular proposal is not a material consideration. The following list provides some examples of non-planning matters:

- effect of the application on the value of nearby properties;
- the right to retain views from existing properties; and
- the effect of possible competition on existing businesses.

Those matters which are seen as material planning considerations and which can therefore be considered by the Local Planning Authority in deciding whether or not to approve a particular planning application include the following:-

1. The adopted policies contained in the Rochford District Local Plan and the Essex and Southend Structure Plan.
2. The relevant planning legislation, Circulars and other Central Government Guidance on planning issues.
3. The number, size, layout, siting, design and external appearance of buildings.
4. Impact on the neighbourhood of an area.

NOTE: Would the proposal harm the character or amenity of the area?

5. Impact on adjoining properties in terms of privacy, and daylight.

NOTE: If you feel you have a 'right to light', you may wish to take private legal advice, but this is not a matter which the Local Planning Authority can take into account.

6. The effects on traffic, road access and visibility, parking and highway safety.
7. The appropriateness of the proposed land use, e.g. the conversion of a house in a quiet residential street to a Shop or Restaurant.

It is not possible to provide an exhaustive list of material planning considerations, but it is hoped these examples will help if you wish to comment on a particular planning application.

Contact Information

Building Control Officers spend the majority of their time on site, but are generally available Monday to Friday between the hours of 8.30 to 10.30am and 3:30 to 5:00pm for enquiries or guidance. If you want to meet the Building Control Officer at our offices it is advisable to arrange an appointment.

You can contact us by using the on-line Contact Form in the Related Links below, by Email building.control@rochford.gov.uk or by telephone on 01702 318081 or by fax on 01702 318181.

Contact the building control team online

Planning Officers are available by phone from 8.30 a.m. to 1p.m. Monday, Tuesday, Thursday and Friday and on Wednesdays from 1pm to 5.30pm

You can visit the offices between from 8.30 a.m. to 1p.m. Monday, Tuesday, Thursday and Friday and on Wednesdays from 1pm to 5.30pm and speak to a Duty Officer.

Call the appropriate number:

Planning: 01702-318191
Fax: 01702-318181
Website: www.rochford.gov.uk

Or you can Email:
planning.applications@rochford.gov.uk