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## Land Use Planning



### Introduction

Most development has some impact on us. It may be a single-storey house extension, a new science park or a whole new settlement. In order to regulate how and when any development takes place, we have an established system of planning control.

This advice note provides an overview of our planning system and how decisions taken at local level fit in to the policy and legal framework adopted by central government.

### The Planning System

A key role of the planning system is to balance the competing needs of society. These needs may be social (building new homes), economic (providing new jobs), environmental (such as protecting the Green Belt) or the protection of natural resources.

The delivery of these objectives is not always easy, yet it is important that we meet our present needs without preventing future generations from meeting theirs.

This is what is meant by “sustainable development”.

Planning decisions should be taken without undue delay to provide the houses, jobs and services we need. Public participation, however, is a basic part of our planning system as this ensures that decisions are made in the public interest.

The planning system is not, therefore, intended to protect private interests or property values. It is important that decisions should be made openly and fairly.

This means that planning decisions may have to take more than just local interests

into account. This may cause widespread concern and even anger that decisions have ignored local views.



### Who is involved?

#### o Central Government

The legal framework is set out by Parliament. The government will run the planning system in line with its own policies and objectives. Government departments will promote planning strategies, confirm local planning policies and decide on major planning applications and appeals.

The Department for Communities and Local Government (DCLG) was created on the 5th May 2006. It succeeds the Office of the Deputy Prime Minister (ODPM).

The DCLG is an expanded department with a new remit to promote community cohesion and equality, as well as responsibility for housing, urban regeneration, planning and local government.

The main legislation is the Town and Country Planning Act 1990. This is supported by various Acts, circulars, other legislation and guidance on a whole range of planning issues. The most important of these are highlighted elsewhere in this advice note.

#### o Executive Agencies

These are mainly government advisory bodies responsible for a range of statutory functions. They include the Countryside Agency, Environment Agency, English Nature and English Heritage.

#### o Regional Offices

There is a Government Office for each region of England. They bring together the activities and interests of different government departments. For Cambridgeshire, this is GO-East.

o **Local Planning Authorities**

The local planning authorities in Cambridgeshire comprise the County Council and five District Councils. South Cambridgeshire District Council covers an area of approximately 900 sq. km of countryside in the south of the county.

Between them, the County and District Councils will have prepared *development plans*. This process is now changing and County Councils are no longer required to produce a plan.

The *County Council* (situated at Shire Hall, Cambridge) has long been the strategic planning authority. It will have prepared the *Structure Plan*, which guides development for the whole of the county. It also prepares minerals and waste disposal plans. It decides planning applications for these types of activities as well as for the services it provides. This includes schools, libraries and county roads.

The County Council's highways department also advises the District Council on highways matters such as road capacity and safety.

The *District Council* is based at Cambourne. It has previously prepared *Local Plans* which cover the whole District and deals with most planning applications. It controls land use and building through the determination of planning applications and enforces against unauthorised development.

o **Parish Councils**

There are around 100 parish councils in South Cambridgeshire and these are an important part of local government. Parish councillors are elected by local people and the Parish Council will comment on the preparation of development plans and planning applications.

Parish councils have the power to carry out certain planning functions, such as the adoption and maintenance of open space provided as part of a planning permission.

Parish councils have their own code of conduct when discussing planning and related matters. The Standards Board for England was set up in 2000 to promote high ethical standards and investigate misconduct by councillors in local government. This aspect is covered in advice note 10.



**South Cambridgeshire District Council**

The District Council is run by the Cabinet. This is made up of the Leader of the Council and between three and ten other councillors. Each councillor has a "portfolio" or service for which they are responsible. There are portfolio holders for Planning and Economic Development and for Conservation, Sustainability & Community Planning.

The Full Council gives its final approval on development plan matters.

The planning committee decides certain planning applications. This is normally all major planning applications, applications that are a departure from the development plan and those applications where the officer's recommendation to approve is not supported by the Parish Council. A District Councillor can also ask for any application to be determined by the Committee.

The Committee does not have to accept the advice of its professional officers, although in 90% of cases it does. Where the Committee does not accept the professional or technical advice given by their officers, it will still be expected to show it had reasonable planning grounds for taking a contrary decision. It will usually rely upon its collective experience and knowledge of a site based on what it considers to be relevant planning considerations.

Officers have delegated powers to deal with many applications, sometimes with the consent of the committee chairman.

Around 90% of applications are dealt with in this way, under a system known as 'delegated powers'. This is explained more in Advice Note 6.

The planning department (or 'Planning and Sustainable Communities', to give it its full title) handles planning matters. It is made up of the following sections:

o **Development Plans/Planning Policy**

The development plans team is responsible for preparing and reviewing the Development Plan. It is also responsible for promoting sustainable economic development, transport and tourism in the area. It will prepare development briefs from time to time.

o **Development Control**

The development control section deals with pre-application advice, planning applications, appeals and enforcement matters. There are four separate area planning teams in the district, each covering a different geographical area. There is also a separate team, which deals with major developments. This includes applications for the new settlement at Cambourne, the proposed town at Northstowe and extensions around the urban edge of Cambridge.

o **Conservation and Design**

The conservation section deals with matters relating to historic buildings and conservation areas. This includes the determination of listed building applications. There is also a trees and landscape team and an ecology officer within the section.

o **Building Control**

As well as planning permission, it is often necessary to obtain consent under the Building Regulations. These are essentially in force to ensure the health and safety of people in and around buildings. The regulations apply to most new buildings and many alterations of existing buildings whether domestic, commercial or industrial.



**The Legal framework**

The Town and Country Planning Act 1990 provides the main legislative framework. More recently, The Planning and Compulsory Purchase Act 2004 has introduced a number of reforms to be introduced over a period of three years.

This Act is the most significant change since the modern planning system was created. It is intended to make the planning system quicker, more positive and less confusing. It introduces what the government believes is a simpler and more effective plan making system at regional and local level; improvements in the effectiveness and quality of community involvement in planning; and measures to increase the speed of decision-making.

Other important legislation and guidance include:

- o The Planning (Listed Buildings and Conservation Areas) Act 1990. This provides the legal framework for listed buildings and conservation areas.
- o The Town and Country Planning (General Permitted Development) Order 1995. Usually known as the GPDO this details which sorts of development do not need planning permission.
- o The Town and Country Planning (Use Classes) Order 1987. This details whether changes of use of land and buildings need planning permission.
- o The Town and Country Planning (Control of Advertisements) Regulations 1992. This controls the need to apply for permission to display certain signs.

- o Regional Policy Guidance. This sets the regional framework for development plans. There is existing guidance for East Anglia, which covers Cambridgeshire, Norfolk and Suffolk. New guidance is being prepared for the East of England and should be completed by the end of 2007.
- o Planning Policy Guidance (PPG) and Planning Policy Statements (PPS). Like regional guidance, these are not law, but provide government policy and advice on various issues. They are regularly updated and cover over 20 topics ranging from transport to telecommunications and from noise to nature conservation.

Although Parliament approves legislation, the interpretation of planning law is left to the Courts.



### How to get involved?

Most of the accompanying advice notes provide guidance on how to get involved in planning matters. There are certain key points, however, which are worth remembering. These mainly apply to the general public but should also be borne in mind by parish councils.

- o Parish councils are sent copies of all planning applications. Their offices will usually be the most convenient place to see what is proposed.
- o Always read neighbour notification letters you might receive, notices in the local press and site notices pinned up in your area. These not only give the basic information, but also may be the first and only time you are made aware of a proposal. They may also be the only chance you have to respond.
- o Take proper note of the dates by which any representations should be

made. Late representations may not always be taken into account.

- o Use the Council's website and those of other organisations to keep in touch with what is happening in your area. A list of useful contacts is provided in Advice Note 12.
- o Local newspapers will feature articles and publicise events or public meetings. They also provide a forum for you to express your views or bring something to the attention of the general public.
- o Contact the relevant officer in the planning department. He or she can provide more information and answer any questions.
- o If you are consulted on something, you can also visit the planning department and view any plans and documents that may be available. These may not be the same ones that a neighbour or developer has shown you before the application was submitted. It is often possible to obtain copies of plans so that you can consider them at home.
- o Contact your local ward councillor. They may have more information and will listen to any concerns you may have. They may agree to act or speak on your behalf.
- o Talk to your neighbours. See what they think. If you have a common interest, it may be easier to achieve a satisfactory outcome.
- o Last, but not least, talk to the developer. Make him aware of your concerns. It is often possible to agree amendments, which everyone is happy with.

*Please Note: This advice note is intended as a general guide. It should not be relied upon, or taken to be a full interpretation of the law.*