

Duchy of Cornwall's South East Faversham planning application.

Selling Parish Council strongly encourages all residents to make their individual personal comments known. Here we offer guidance on how to make effective comments within planning law by using material planning considerations.

The deadline for comments on the proposed development is 20th May 2024

How do I object to, support or comment on a planning application?

All comments must be made in writing by 20 May 2024. Verbal comments are not accepted. You can submit your comments:

- Online using the Swale Planning Portal at pa.midkent.gov.uk/online-applications
- By email to: planningcomments@midkent.gov.uk
- In writing to:

Mid Kent Planning Support
Maidstone House
King Street
Maidstone
ME15 6JQ

If you send a comment by email or online, you do not need to send a copy by post.

What must my comments include?

- The date
- Your name and address. Anonymous comments will not usually be considered
- The application number and site address: 23/505533/EIHYB Land at South East of Faversham (Duchy of Cornwall)

What happens to my comments?

Your comments, including your name and address, will form part of the planning application documents. They will be available for public inspection on the Swale website and any other form of application record.

Why should I focus on material planning considerations?

You should focus on the *material planning issues* as these influence the decision-making process. Generally greater weight is attached to issues raised which are supported by evidence rather than solely by assertion.

What is a material planning consideration?

A material planning consideration is one which is relevant to making the planning decision in question (e.g. whether to grant or refuse an application for planning permission).

The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However, in

general they have taken the view that planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration.

What weight can be given to a material consideration?

The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given.

Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. It is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

✔ Some material considerations include:

- Loss of privacy / overlooking
- Loss of light / overshadowing
- Adequacy of parking
- Highway safety
- Traffic generation
- Vehicular access
- Noise, dust, fumes / light pollution
- Effect on a listed building
- Effect on a conservation area
- Effect on TPOs / important trees
- Nature conservation
- Intrusion into the open countryside
- Archaeology
- Design, appearance, materials
- Layout, scale, dominance, density of build
- Landscaping
- Government policy
- Access for disabled person
- Previous planning decisions (inc. appeals)
- Proposals in the development plan
- Hazardous materials / contamination
- Risk of flooding

✘ These are NOT material considerations

- Loss of a private view
- Effect on the value of your home
- Who the applicant is / their background / personal circumstances
- Loss of trade to a competitor/ increased competition
- Strength / volume of local opposition
- Boundary disputes
- Personal morals or views about the applicant
- Breach of a restrictive covenant
- Level of profit a developer might make
- Matters controlled under building regulations or other non-planning laws (e.g. structural stability, fire precautions)