COMMENTING ON PLANNING APPLICATIONS

Advice for those wishing to comment on planning applications

The planning applications approved by Cheshire East Borough Council help to shape the future of the area. To make sure the public are involved in this future, the Council publicises all planning applications, by site notice or letters to neighbouring properties and we also inform the relevant Parish or Town Council.

You are welcome to tell us your views, whether for or against, an application.

How can I give my views?

Cheshire East Borough Council welcomes representations from local people and businesses and gives 21 days to comment on an application in writing either by letter, email, or online form. Please note that there is a preference for representations to be received via the online form as this ensures that the Authority receives all of the necessary information required.

Please remember to quote the reference number attached to the application you are commenting on and address your comments to the Head of Planning and Housing at the following addresses:

**Online:** Go to the online form
**email:** planning@cheshireeast.gov.uk
**Post:** Development Management, Town Hall, Macclesfield, Cheshire, SK10 1DP

It is advised that representations are kept brief and concise because long or repetitive commentary can be unhelpful. Sub-headings to illustrate each point can be useful and if you wish to include other information then you can do so i.e. photographs are often helpful to illustrate to the Council your particular concerns.

www.cheshireeast.gov.uk/planning
When you make your comments on a planning application you must understand that non-planning related comments cannot influence the decision making process and you energies should, therefore, focus on the planning issues.

Example representations can be found on the [planning pages of the website here](http://www.cheshireeast.gov.uk/planning).

**What sort of things can be taken into account?**

In considering a planning application, the Council has a statutory duty to have regard to the provisions of the Local Plan and any other “material considerations”. The most common “material considerations” include the following, although the list is not exhaustive.

- Local, strategic, regional and national planning policies
- Government circulars, orders and statutory instruments
- Previous planning decisions (including appeal decisions)
- Design, visual appearance, and materials
- Layout and density of buildings
- Loss of daylight or sunlight
- Overshadowing/loss of outlook (but not loss of view)
- Overlooking/loss of privacy
- Noise and disturbance from use
- Smells
- Light pollution
- Highway safety issues
- Traffic generation
- Vehicular access
- Adequacy of parking
- Loss of important trees
- Landscaping
- Nature conservation
- Intrusion into the Open Countryside/ Green Belt
- Risk of flooding
- Effect of Listed Buildings and Conservation Areas
- Archaeology
- Hazardous materials and ground contamination
- Disabled persons access
What cannot be taken into account?
Many concerns cannot be addressed through the planning process, these include:

- Loss of view
- Loss of property value
- Breach of restrictive covenant
- Loss of trade to a competitor
- The level of profit a developer might make
- Personal circumstances of the applicant (in most cases)
- Moral objections e.g. to uses such as amusement arcades and betting offices
- Matters controlled under Building Regulations or other non-planning laws, e.g. structural stability, drainage, fire precautions etc.
- Private issues between neighbours e.g. land/boundary disputes, damage to property, private rights of way, covenants etc.
- Problems arising from the construction period of any works, e.g. noise, dust, construction vehicles, hours of work etc.
- The development is already completed

How does the Council decide a planning application?
After the 21 day consultation period has passed the Case Officer should have all the information needed to assess the application.

Every planning application is considered and determined having regard to national policy, the relevant Local Plan, supplementary planning documents, and any other material considerations. The Local Plans that Cheshire East currently use include:

- Macclesfield Local Plan 2004
- Borough of Crewe and Nantwich Local Plan 2011
- Congleton Borough Local Plan First Review 2005

Will my views be considered?
The Council is legally obliged to take into account the representations received from neighbours and other interested parties when deciding all planning applications. Furthermore, the Council encourages local residents to have their say in planning matters. However, it is important to remember that the Council is responsible for making the final decision on the application and for deciding how much “weight” representations have.

What will happen after my objections have been made?
Due to the large number of responses the Council receives, it is not possible to respond personally to each letter.
Representations are publically available and you should be aware that other members of the public may see your views. However, please note that personal details, excluding name and address, are removed.

All representations are published on the Cheshire East website within 48 hours of receipt. If you wish to see if your representations have been received, you are advised to check the Cheshire East website.

**Will the application be refused if lots of objections are received?**
No, the volume of objections will not in itself result in an application being refused. An application can only be refused for ‘planning reasons’ and not because of the number of objections.

**Who makes the final decision on the application?**
All applications not dealt with by planning committee are delegated and determined by the Head of Planning and Housing. Approximately 90% of applications fall into this category.

However, when a Borough Councillor requests it or if a development is of a certain nature/size, applications will be determined by a Planning Committee, who meet monthly to decide applications.

In the rare instances that a large application goes against the policies set out in the Local Plan, the matter will then be referred to the Government who will decide whether the Council should be allowed to decide the application.

**How can my local Councillor help?**
A Borough Councillor can request that an application be reported to Planning Committee, if they have a justified planning policy related reason. This means it will be debated in public at a Planning Committee meeting.

Objectors and supporters are eligible to speak at planning committee however, please note that each group identified shall be entitled to speak for a period of up to three minutes. If there is more than one person wishing to speak, from a particular group e.g. objectors, people are encouraged to consult each other and agree how to share their 3 minutes. The time limit will not be extended unless a specific extension of time is agreed by the Chairman.

**If I don’t agree with the Council’s decision can I appeal?**
As the law stands there is no right of appeal for objectors.
In certain circumstances a Council’s decision can be challenged in the courts, however, this cannot be for reasons merely because someone disagrees with the Authorities judgement.

Decisions can be challenged if the Authority has misinterpreted the law or if there were procedural irregularities with the application i.e. the inquiry, hearing, site visit or other procedures were not carried out properly, leading to, say, unfair treatment.

Please note that even if the council refuses planning permission, the process does not necessarily stop there as an applicant has a right to appeal against the refusal of planning permission or if the council fails to determine an application within eight or thirteen weeks.

**Where can I find out more?**
Central Government advice notes and statements can be found using these links:

- [National Planning Policy](#)
- [Planning Circulars](#)
- [Good Practice and Guidance](#)

General planning advice can be obtained on the Planning Portal

- [Planning Portal homepage](#)
- [Planning Portal advice on having your say](#)

Current planning policies used by Cheshire East Council are available on the website

- [Cheshire East Planning Policy](#)

Need to contact us?

- [How to contact planning](#)