

New development

Have your say

Which considerations are NOT relevant?

Applicants sometimes put forward arguments of a personal kind in support of a development. Only exceptionally will these outweigh the more general planning considerations since buildings will remain long after the personal circumstances of the applicant have ceased to be relevant.

Objectors' arguments are sometimes based on the following, none of which are material considerations when making a decision on a planning application and should not affect the outcome:

- Trade objections from potential competitors, or a form of development you would prefer.
- Moral objections, for instance against amusement centres, betting shops and licensed premises.
- The Party Wall Act 1996 controls work carried out on, or in the proximity of, a party wall. A booklet explaining how the controls operate is available from Planning Enquiries (tel. 01423 556666) or the website at www.harrogate.gov.uk
- Allegations that the proposal might affect private rights (e.g. restrictive covenants and rights to light) Objectors should consult their own solicitor - it is not possible for Council officers to advise on private rights.
- The loss of an attractive private view (for instance when development is proposed on the opposite side of the road to, or to the rear of, an objector's house).
- The fear that an objector's house may be devalued.

- The fact that the development has already begun (people can carry out development at their own risk before planning permission has been granted and the Council has to judge the development on its own merits).
- The belief that an application is submitted by the owner with the intention of selling the property at an enhanced value.
- The fact that the applicant does not own the land, (this can be overcome with the agreement of the owner). There is a legal obligation that proper notice of the making of the application is given to the owner.

Important Points

- Put your representations in **writing**;
- Get them to us before the **deadline**;
- Always quote the **Application Number**;
- It is the **substance** of your representation that counts - **it doesn't carry any extra weight** if it is repeated many times by an organised letter writing campaign.

There may be other Planning publications relevant to the subject you're interested in or the project you're involved with. You can download them from our website www.harrogate.gov.uk/planning

T P Richards Dip T&RP, MRTPI, Head of Planning Services
 PLANNING DIVISION
 Harrogate Borough Council Planning Services,
 PO Box 708,
 Harrogate, HG1 9LX



www.harrogate.gov.uk/planning

January 2006

How do I find out about new development?

- Look for the green coloured Site Notice displayed by the Council near to the site of each proposed new development.
- Check the public notices section of the local newspaper.
- We encourage applicants to talk to their neighbours about their proposals - you may also receive notice that they have made an application to the Council direct from them.
- Check the Council's Register of current and decided applications at our Knapping Mount offices.
- Telephone Planning Enquiries (01423 556666) in advance to see the working case file (it may not be in the office).
- Go to: www.harrogate.gov.uk/planning and use on-line planning applications to view applications and plans received from 1 August 2005.

Where can I find out more?

- Visit our Planning Enquiries unit between 8.30-4.00 each weekday to view the plans and other documents submitted with the application. For a fee you can purchase copies of the plans etc. but you cannot use them *except* as a basis for forming your comments because they are copyright.

How can I have my say?

- You must **write** to make your views known and for them to be taken into account before the decision is made. Representations that are marked confidential cannot be taken into account when an application is considered.
- You can email your comments if you use the on-line planning applications system on our website.
- The deadline for the receipt of comments is given on the Site Notice and Press Notice. Use the latest date if the notices were not published on the same day.

All letters are acknowledged and we write to let you know the decision.

- If the application is one which is to be decided by a planning committee we will tell you the time, date and place of the meeting and about the Council's "Opportunity to Speak" scheme.
- The Local Government (Address to Information) Act 1985 allows your written views to be seen and copied by the applicant and other members of the public.

Will my views be taken into account?

Yes - but only if they relate to **material planning considerations**. The Council is not a free agent when it considers planning applications - its discretion to act is limited by planning law and Government policy.

What are material considerations?

- The Local Plan and Structure Plan
- Published Government Policy Guidance and Case Law.
- Supplementary Planning Guidance published by the Council.
- Siting, design, appearance, materials and scale of proposed buildings and landscaping of the site.
- The environmental qualities of the surrounding area or the visual character of a street.
- The amenity and privacy of dwellings.
- Road safety (both directly as in the case of a dangerous access or indirectly in terms of car parking and traffic generation).
- Public services such as sewage and surface water drainage.
- Safeguarding - this includes flood land and airfield flight paths and important mineral reserves.
- Public proposals for the same land (such as a site for a new school or a road improvement).
- Contaminated or unstable land.
- Public rights of way.

