

An Introduction to Planning

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The Planning Framework

National Policy – National Planning Policy Framework



Local Policy: Development Plan inc:

- **Maidstone Local Plan 2021-2038**



Planning should be Plan-led and Sustainable

The context – Planned development

The LPR seeks to build approximately 527 new dwellings in Staplehurst to 2038.

The sites allocated are as follows:

- Policy H1 (49) Fishers Farm, Fishers Road, Staplehurst – approx. 400 dwellings – retained from the Local Plan (2017)
- Policy LPRSA066 - Land West of Lodge Road, Staplehurst – approx. 78 dwellings – allocated in the Local Plan Review 2021-2038
- Policy LPRSA114 - Land at Home Farm, Staplehurst – approx. 49 dwellings allocated in the Local Plan Review 2021-2038
- Also, Policy H1 (48) of the Local Plan 2017 allocated Hen and Duckhurst Farm, Marden Road, Staplehurst for approx. 250 dwellings. This has been built out.
- Also two Gypsy and Traveller Sites:
 - GT1 (11) Blue Bell Farm
 - 2. GT1 (10) The Paddocks, George Street

The context - Speculative development

- **Land South Of Marden Road Staplehurst Kent TN12 OPE: 26/500660/FULL:** Residential development comprising 62 homes, new access onto Marden Road, public open space, SuDS and provision of a swale on the northern boundary to provide flood alleviation for Marden Road. (Awaiting decision)
- **Land North Of Staplehurst Station Road Staplehurst Kent TN12 ORD: 26/500734/ENVSCR:** Environmental Screening Opinion: Outline Planning Permission (all matters reserved except access) for the erection of up to 300 dwellings, parking, open space, landscaping, drainage, and associated infrastructure (Decision: EIA not required)
- **Land At Headcorn Road Staplehurst Kent TN12 OSE: 26/501516/ENVSCR:** EIA Screening Opinion: for construction of a residential development for up to 300 dwellings including vehicular access from Headcorn Road; roads; footpaths; public open space; enhancements to the Public Rights of Way; sustainable drainage systems; landscaping and associated infrastructure. (Awaiting decision)

Is your Local Plan considered to be in date?

Maidstone Borough Council – 4.5 HLS (May 2025)

“66% of local authorities outside London are likely to conclude that the most important policies of their development plans are out-of-date in light of recent changes to national policy, providing an opportunity for developers”

Pegasus Group, March 2025

5 YEAR
HOUSING
LAND
SUPPLY &
HOUSING
DELIVERY
TEST

If you're local plan is out of date, look at the NPPF criteria as well as your Local Plan policies and Neighbourhood Plan policies.

NPPF (2024), para 11:

For **decision-taking** this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
 - d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance⁷ provides a strong reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination⁹.
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The Planning Application Process

- **Pre-application discussion**
- **Environmental Impact Assessment (EIA):** An Environmental Impact Assessment (EIA) is legally required for planning when a proposed development is likely to have significant environmental effects due to its scale, nature, or location (Screening, Scoping, Environmental Statement)
- **Application submitted**
- **Consultation on the application – usually 21 days**
- **Decision – usually within 8-13 weeks or 16 weeks with EIA**
- **(Appeal)**
- **(Appeal Decision)**
- **(Legal Challenge)**

The Parish Council

- Parish Council is a **consultee NOT a decision maker**.
- Parish and town councils **should not act as informal lobby groups** in planning applications; instead, they operate as statutory consultees expected to provide objective, evidence-based assessments of how a proposal aligns with local planning policies and the neighbourhood plan.
- **The Code of Conduct:** Parish councillors are bound by a formal Code of Conduct. If a parish council acts like a biased lobby group and its members predetermine an application, it undermines the council's credibility with the district or borough council and can lead to code of conduct complaints.

Responding effectively to planning applications

The eight steps:

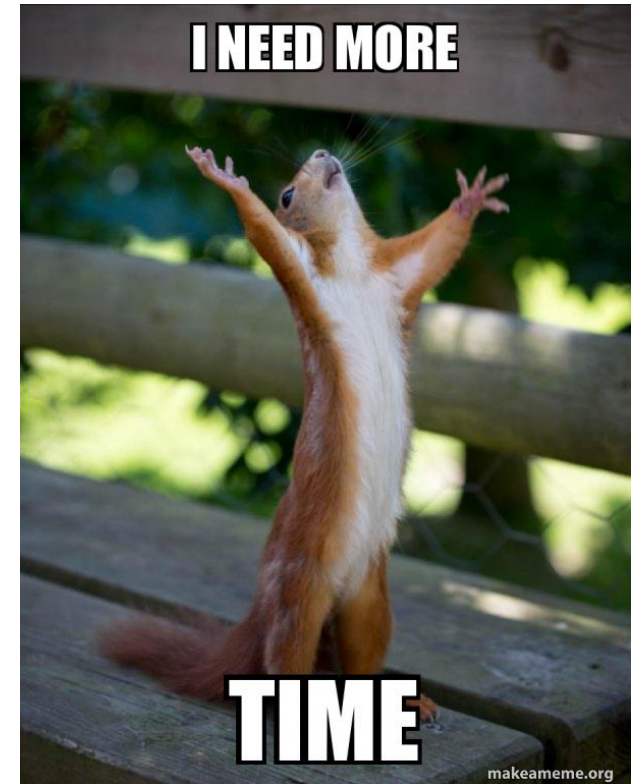
-  **1** Look at the planning application
-  **2** Visit the site of the proposed development
-  **3** Decide your stance on the application
-  **4** Examine the development plan
-  **5** Decide on your action
-  **6** Put your comments in writing
-  **7** Gather support
-  **8** Speak at committee meetings

Type of documents that are submitted (not an exhaustive list!)

- **Maps showing site location**
- **Planning Statement** - identifies the context and need for a proposed development and includes an assessment of how the proposed development accords with relevant national, regional and local planning policies.
- **Design and Access Statement** – set out how the proposal is based on a thoughtful design process and a sustainable approach to access
- **Transport Statements** – sets out likely transport impacts and ways to mitigate, will cover parking provision, trip generation and how the plans adhere to transport policy
- **Biodiversity Report / BNG Assessment** – will set out the biodiversity baseline and information on how this will
- **Heritage Report / Archaeological Statement** - to explain the significance of any particular designated heritage assets that have been identified in the vicinity of the study site and demonstrate any potential impacts that a proposal will have upon their significance.
- **Landscape and Visual Impact Assessment** – baseline assessment, impacts on views, character areas etc. and ways to mitigate, in accordance with guidance ([GLVIA3](#))
- **Flood and Drainage Strategy** – required if the development will be located in Flood Zone 2 or 3; or in Flood Zone 1 and over 1 hectare, has drainage issues etc.
- **Energy Statement** – how the proposal accord with Local Plan requirements relating to energy.

How long will you have to respond?

- You have 21 days to comment on an application – from the moment the application is posted on the Planning Portal.
- Can be extended with agreement from all parties





What can you include in your response?

Materiality and weight

Materiality: whether – given the individual circumstances of a case - a matter is relevant to the planning decision on the development and use of land, and so should be taken into account as a material consideration in coming to a decision

Weight: the relative importance to be attached to a material consideration in coming to a decision



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
- Risk of flooding
- 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 / ground contamination

QUESTION:

What sort of issues are not material considerations?

what are other
words for
not relevant?



inapropos, inapplicable,
irrelative, inapposite,
inappurtenant, extraneous,
foreign, garbage, immaterial



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)

Put in your objections

- **What do the Local Plan policies say?** Can you pick out the particular policies and text that would apply here?
- **What does your neighbourhood plan say?** Again, list out the specific policies that are relevant and how they apply in this case.
- **Supplementary planning documents and other guidance** – whilst these carry less weight, they can be quoted and will be a material consideration.

Material considerations:

- ✓ government policy
- ✓ opinions put forward during the application stage
- ✓ the designated status of a site or its surroundings (for example, if it's a National Landscape (used to be known as Area of Outstanding Natural Beauty (AONB)))
- ✓ the planning history of the site – including existing planning permissions, previous refusals and appeals
- ✓ the effect on a conservation area or listed building.

Speak at a committee meeting



What might the decision be?

Planning permission without conditions (this is rare and only with very simple applications)

Planning permission with conditions**

Refusal of planning permission** with reasons

** The applicant may **appeal** to the Sec of State if unhappy with these outcomes

Can we appeal a decision?

**Only the APPLICANT can only appeal a
planning decision**

Thank you!

Discussion / Final questions

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Cumulative effects

- Even if sites are speculative, local planning authorities must consider their cumulative impacts—such as strain on roads, schools, and healthcare—alongside other existing and approved developments. However, because they are speculative, authorities assess them on their own merits without assuming the speculative proposals will ultimately be built.
- **Pre-determining the Local Plan:** Speculative sites can be refused if their combined, large-scale effects would undermine the plan-making process. If too much speculative development is approved at once, it risks pre-determining the scale and location of growth that should rightfully be decided by the NPPF.

Cumulative effects

- **Environmental Impact Assessments (EIA):** If a speculative proposal triggers the UK Government EIA Guidance, developers must explicitly evaluate combined impacts with other reasonably foreseeable developments.

Cumulative effects

- Even if sites are speculative, local planning authorities must consider their cumulative impacts—such as strain on roads, schools, and healthcare—alongside other existing and approved developments. However, because they are speculative, authorities assess them on their own merits without assuming the speculative proposals will ultimately be built.
- **Uncertainty Limitations:** In areas without an up-to-date local plan or a 5-year housing supply, planning authorities face an influx of speculative applications. While the cumulative burden is a material consideration, the high bar required to prove speculative impacts on infrastructure means that many must be assessed individually as they arrive.