

## **APPENDIX**

### **Questions and Answers** **Philip Isbell**

**3 December 2019**

- 1) Why are developers able to avoid making CIL payments by clearly subdividing larger development plots? **Whether developments are large or small, CIL payments are liable. The Council do not expect developers to avoid CIL payments by subdividing larger plots. CIL payments are levied on all properties, except self builds. The multiplier is the size/number of sq.metres of the property.**
- 2) Who is accountable for deciding to support the development of large executive/family houses at the expense of affordable housing and houses for the elderly, which Parish surveys have clearly established are required? **The Council cannot debar large developments. The trigger for affordable housing is a development of 10 or more houses. Must comply with National Planning Framework. Until the JLP has been fully stress tested and approved it cannot be given full weight. The notion of weight is still applied. The Local Plan from 1998 still applies until it is replaced by the 2020 Local Plan, where the size of the property and mix of housing is not taken into consideration. It was suggested we try to influence the 2020 Local Plan.**
- 3) Why develop a Joint Local Plan, including relevant Policies, Development Areas etc, when the JLP can be ignored at the convenience of the Planning Department? **See 2 above.**
- 4) Does internal guidance exist to help officers determine what constitutes a 'contentious' application, for a matter to be referred to the Planning Committee? If not, is this judgement left entirely to individual discretion and, if so, how is consistency assured across the Planning Department? **All applications go to Planning. Even if the planning is controversial the decision is that of the Planning Inspector and the Case Officer. There is no internal guidance. There is no individual discretion. It is the materiality of an objection that is important, not the number of objections received to make an application controversial.**

- 5) What weight does the planning department attach to comments from parish councils, other statutory bodies and the public? The Parish Council has supported many housing developments in recent years in support of the Districts targets but appears to carry little weight when it deems a development to not be in the Parish's best interest. **All material planning considerations are taken into account. Points must be material planning points to be considered. Land supply is a key consideration and the target is set by the Government and not by MSDC**
- 6) What active steps do you take to ensure there is public confidence in the planning system and the decisions taken? The public and Parish Council can take MSDC to court if they are unhappy with decisions made, as there is no administrative process to reverse a decision.
- 7) What options are there for statutory bodies and others to complain or appeal a decision? **No right of appeal for third parties. The Council would have to be taken to a judicial review. There is no administrative process.**

## Supplemental Questions

### A - Policy

- 1) How do you allocate building targets for villages and towns etc. to ensure they are fair? Do you control these targets? **Targets are based on material objectives. Population targets and make judgements on how and where to make those allocations. Acknowledge the need for growth. Neighbourhood plans have been carried out to take control of their own situation, but they can be overridden by MSDC.**
- 2) Does the Planning Department have a sustainable infrastructure plan for the Parish, which will support the large number of family sized homes it keeps approving? Wortham only has one oversubscribed school, one pub, one small shop and a village hall. Services such as doctors, dentists etc in neighbouring villages are already under strain. **Mr Isbell to take away this question for more detail.**
- 3) Is there any serious point to Parishes developing Neighbourhood Plans, Village Design Statements etc. if the Planning Department can (and does) make decisions inconsistent with them? **Neighbourhoods have to allow for some growth.**
- 4) How can Parish Councils have the greatest influence over planning decisions? **Use your District Councillor and have an effective conversation!**
- 5) Is it equitable to only allow the applicant to appeal a planning decision; what's your view? **"It's the Law, no comment"**

## B - Governance

- 1) Please explain why you think the public should have confidence in the Planning Department and public consultations, when the Planning Department does not see factual errors and misrepresentations in building applications as a material planning consideration? Why should these not be rejected to improve standards? **No effective solution, as there will always be differences in opinion. Public confidence is achieved by making the right decisions. Applications are taken on good faith.**

## C - Accountability

- 1) Is there separation between the Case Officer and decision taker to prevent unbiased decisions and the undermining of the credibility of the Planning Department? **Each case is dealt with by a rotated team of officers**
- 2) Are Case Officers rotated on contentious developments to ensure unbiased assessments and decisions? **Case Officers are rotated and no one is allowed to sign off their own decisions. The quality of information in an application, with no expectation that the applicant is telling the truth. Case Officers can only go on the information they are given.**
- 3) How are Council Officers held to account for their decisions? **Case Officers are responsible to the Council. They are subject to periodic review and can be challenged by the Ombudsman.**

## D - Transparency

- 1) Why does the Planning Department ignore the views of the Parish Council and those of local residents when a development raises legitimate concerns? Would it not be better to explain why those concerns have not carried sufficient weight in the decision-making process? **More information is available on the MSDCWebsite than ever before. We don't offer to respond, as there are not enough staff. The Case Officers report is deemed sufficient.Due to large volumes of planning applications, not all comments will be responded to.**
- 2) Does the Planning Department believe it to be fully transparent when it only publishes letters of complaint and not its own responses to those complaints? **There is no problem with the response being seen, but unsure how this available.**

## Further Questions

1. What is the current position for the 5 year Land supply? **Land supply can be a key factor when considering planning applications. This could be an overriding**

**consideration. The MSDC website states there is a 5.6 years land supply with effect from July 2019.**

2. What constitutes controversial? **The number of complaints is immaterial. The issues raised must be material planning issues. This is no longer the case. If wrong, the matter can be taken to the Ombudsman.**
3. Track Width and Parking. **Highways must be clear of obstructions. Driveways should be 2.4 - 3m in width and access should be 5-6m to allow simultaneous entry and exit from a road or driveway. The guidance for parking is two parking spaces for 3 bed properties and 3 parking spaces for 4 bed properties.**
4. Can the Council influence the type of development? **Developers seek what sells. CIL is calculated on the floor space and indexed related. This is not a material consideration to the Council.**
5. Concerns were raised by residents at Cherry Tree Close/Howards Close, regarding access over a private road. Residents advised that they had not received any notification from MSDC and that no yellow notice had been displayed. **Mr Isbell advised he would take the matter away with him and report back.**
6. A councillor asked about the extension of outline planning applications and how this might lead to land banking and the manipulation of housing supply and prices by developers. **Mr Isbell said that the planning authority wanted to encourage applicants to develop sites quickly after approval had been given.**