

Strategic Planning Committee

14 December 2016

Public Participation

Questions from Cllr Chris Caswill

Questions:

1. Planning application recommendations can be apparently be varied if there are 'material changes' in the situation prior to a final Decision Notice. Please provide the definition of a 'material change' and references to the main literature supporting that definition.
2. Is the decision as to whether a change is 'material' for the Planning Case Officer to make, or is it for the Committee to decide in cases where an application has come to committee?
3. What happens if a planning application is approved, and a Decision Notice issued, and then it transpires that a crucial element of the approved infrastructure cannot be delivered (a) if the committee had reasonable grounds to know that it would or could not be? and (b) if they did not?

Answers:

- 1) To be material, it must be a factor which has some weight in the decision making process, although plainly it may not be determinative. For example, the Council's adoption of the Wiltshire Core Strategy in January 2015 was held to be a material consideration in determination of planning appeal decisions, but the fact that it confirmed that a five year land supply then existed did not lead to two appeal decisions being overturned where an Inspector had not been informed of the adoption by his officials in the Planning Inspectorate and allowed two appeals on the assumption that there was no demonstrable five year land supply.
- 2) Officers advise whether a consideration is material. If it is, it is for the decision maker to decide what weight (if any) should be attached to it, having regard to matters including planning law and Government advice in the NPPF and Planning Practice Guidance;
- 3) The Council has to make its decision on the basis of the evidence before it. Planning conditions and obligations can help secure the delivery of necessary infrastructure and prevent development from taking place beyond what existing infrastructure can handle until any additional requirements are provided for.