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Report of the Executive Director Operations

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THE ROLE OF VILLAGE DESIGN STATEMENTS IN THE PLANNING PROCESS

1. PURPOSE

The purpose of this report is to explain the role of Village Design Statements in the determination of planning applications and appeals.

2. RECOMMENDATIONS

That this report be noted.

3. BACKGROUND

- 3.1 By law, planning decisions have to be made in accordance with the 'Development Plan' unless material planning considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004). For Peterborough, the Development Plan primarily comprises the Peterborough Local Plan 2005 and the East of England Plan 2001-2021, also known as the Regional Spatial Strategy (the Cambridgeshire and Peterborough Waste Local Plan, and Aggregates (Minerals) Local Plan also form part of the Development Plan). Government's Planning Policy Statements and Guidance Notes are recognised material planning considerations.
- 3.2 The Council's emerging Local Development Framework (LDF) will eventually replace the Peterborough Local Plan 2005.
- 3.3 In implementing the LDF system, no provision was made by Government to allow Village Design Statements previously Adopted by the Council to become 'saved policy' (only the Local Plan itself is 'saved' policy until the LDF is in place). This means that legally only very limited weight can now be given to Village Design Statements when planning applications are being decided by the Council, or appeals by the Planning Inspectorate. The Council cannot rely solely on a Village Design Statement to refuse planning permission and would not normally refer to such a Statement in a reason for refusal of consent. To do so would run the risk of an award of costs against the Council at subsequent appeal. However, a Village Design Statement could be used to help justify the case where refusal is based on Development Plan policy, particularly at appeal. It also helps the Council's planning officers to understand local consensus about what is important in a village and this is used in informal pre-application discussions with potential developers.
- 3.4 To have greater weight in the planning process, any future Village Design Statement would have to be incorporated as a Supplementary Planning Document (SPD) in the Council's LDF and would have to go through associated legal and consultation processes.
- 3.5 Parish councils may wish to retain and continue to use an existing Village Design Statement, or prepare a new non-SPD Statement. These can help to inform applicants and Council officers about locally important issues or the history of particular sites, influencing design discussions. They can also form part of the evidence base for the emerging LDF, helping to shape policies

and allocations at a local level.

4. CONSULTATION/KEY ISSUES

N/A

5. BACKGROUND DOCUMENTS

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

N/A

6. APPENDICES

None