



PLANNING CONSIDERATIONS

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Originated by: Parish Clerk Venetia Davies & Cllr. Ken True
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1. Who is the planning authority for Cuddington?

Planning decisions on policy and individual planning applications are made by **Buckinghamshire Council**. Applicants are encouraged to hold pre-application discussions with planning officers to test out the suitability of their proposals before they make a formal submission. These discussions are confidential.

It is also good practice for applicants to consult their neighbours to identify concerns and, where appropriate, potential mitigation measures.

This document describes how Cuddington Parish Council is involved in the planning application process and the powers it has in granting planning permission.

2. What powers do Cuddington Parish Council have with respect to planning applications?

Cuddington Parish Council is consulted by the relevant Buckinghamshire Council Planning Authority on all planning applications within its Parish Boundary and applications on properties adjacent to its boundary. Any views expressed by the Parish Council will be taken into account by the Planning Authority before a decision is made, providing the points made are relevant to the determination of a planning application. Buckinghamshire Council's Planning Authority make the final decision, **not** the Parish Council.

3. Does Cuddington Parish Council grant planning permission?

- Town and parish councils are not planning authorities. Town and parish councils are only statutory consultees in the planning process.
- They only have the right to be informed of planning applications within the parish.
- They cannot approve or reject planning applications.
- They can only comment on planning applications in the same way that individuals can comment.
- The length of time taken to determine a planning application is governed by the local planning authority not the parish council.
- A parish council can request extra time to comment on an application.
- The decision whether this request is granted rests solely with the planning authority as it has its own deadlines for decision making.

4. How does Cuddington Parish Council comment on planning applications?

- Parish councils can only agree to comment on planning applications in properly called council or committee meetings which the public can attend.
- The comments agreed in the council meeting are submitted in writing by the parish clerk to the relevant planning authority.
- The process is the same as that of an individual wishing to comment on a planning application.
- Parish councils are statutory consultees and have no powers to approve or reject planning applications, they can only comment or not on applications.

5. Valid reasons for comment on a Planning Application

Comments that are clear, concise and accurate stand more chance of being accepted than those that are not. When planning applications are considered, the following matters can all be relevant. These are sometimes referred to as *material planning considerations*:

- Central government policy and guidance - Acts, Circulars, Planning Policy Guidance Notes (PPGs) etc.

- The Development Plan - and any review of the Development Plan which is underway.
- Adopted supplementary guidance - for example, village design statements, conservation area appraisals, car parking standards.
- Replies from statutory and non-statutory agencies (e.g., Environment Agency, Highways Authority).
- Representations from others - neighbours, amenity groups and other interested parties so long as they relate to land use matters.
- Effects on an area - this includes the character of an area, availability of infrastructure, density, over-development, layout, position, design and external appearance of buildings and landscaping.
- The need to safeguard valuable resources such as good farmland or mineral reserves.
- Highway safety issues - such as traffic generation, road capacity, means of access, visibility, car parking and effects on pedestrians and cyclists.
- Public services - such as drainage and water supply.
- Public proposals for using the same land.
- Effects on individual buildings - such as overlooking, loss of light, overshadowing, visual intrusion, noise, disturbance, and smell.
- Effects on a specially designated area or building - such as green belt, conservation areas, listed buildings, ancient monuments, and areas of special scientific interest.
- Effects on existing tree cover and hedgerows.
- Nature conservation interests - such as protection of badgers, great crested newts etc.
- Public rights of way
- Flooding or pollution.
- Planning history of the site - including existing permissions and appeal decisions.
- A desire to retain or promote certain uses - such as playing fields, village shops and pubs.
- Need for development - such as a petrol station
- Prevention of crime and disorder
- Presence of a hazardous substance directly associated with a development
- Human Rights Act
- Precedent - but only where it can be shown there would be a real danger that a proposal would inevitably lead to other inappropriate development (for example, isolated housing in the countryside)

6. Irrelevant reasons for objection

There are certain matters which do not amount to 'material planning considerations under current legislation and guidance. These matters cannot be taken into account when in considering a planning application and should not be included in objections as they weaken your case:

- Speculation over future use.
- The identity of the applicant or occupant.
- Unfair competition.
- Boundary disputes.
- Breach of covenants and personal property rights, including personal (not Public) rights of way
- Loss of a private view.
- Devaluation of property.
- Other financial matters.
- Matters controlled by other legislation - such as internal space standards for dwellings or fire prevention.
- Religious or moral issues - such as betting shops and amusement arcades.
- The fact that the applicant does not own the land to which the application relates.
- The fact that an objector is a tenant of land where the development is proposed.
- The fact that the development has already been carried out and the applicant is seeking to regularise the situation. People can carry out development at their own risk before getting planning permission.
- The developer's motives, record, or reputation.

7. Enough Information

The person making a planning application must provide enough information for the application to be determined. They do not have to provide every single detail before an application can be approved because certain matters can be resolved by way of the conditions included as part of the permission.

Because of this, certain issues may not be considered as ‘objections’ but it is entirely reasonable for you to raise concerns about such issues and to ask to be kept informed before they are approved. These should be included: -

- The proposed type and colour of the materials to be used.
- The exact nature of any proposed planting or boundary treatment.

8. What is the government’s ‘planning guarantee’?

The planning guarantee is the government’s policy that no application should spend more than a year with decision-makers, including any appeal. In practice this means that major planning applications should be decided in no more than 26 weeks and non-major applications within 16 weeks. Appeals should be determined within 26 weeks. The planning guarantee does not replace the statutory time limits for determining planning applications.

9. What ways can a longer time period be agreed?

Where it is clear at the outset that an extended period will be necessary to process an application, the local planning authority and the applicant should consider entering into a [planning performance agreement](#) before the application is submitted.

If a valid application is already being considered and it becomes clear that more time than the statutory period is genuinely required, then the local planning authority should ask the applicant to consider an agreed extension of time. Any such agreement must be in writing and set out the timescale within which a decision is expected. The timetable set out in a planning performance agreement or extension of time may be varied by agreement in writing between the applicant and the local planning authority.

10. What happens if an application is not dealt with on time?

Where a valid application has not been determined within the relevant statutory period (or such other period as has been agreed in writing between the local planning authority and the applicant), the applicant has a [right to appeal to the Secretary of State](#) against non-determination.

If the applicant has not exercised this right of appeal, and the application remains undetermined after 26 weeks for major applications or 16 weeks for non-major applications, then the fee paid by the applicant will be refunded to them (unless a longer period for the decision has been agreed).

Applicants should not attempt to delay a decision on their application simply to obtain a fee refund. A local planning authority will be justified in refusing permission where an applicant causes deliberate delay and has been unwilling to agree an extension of time; and such behaviour will be taken into account in determining any claim for costs by the local planning authority if the applicant then goes to appeal.

11. What happens if a planning authority fails repeatedly to decide applications on time?

[Section 62B of the Town and Country Planning Act 1990 \(as amended\)](#) allows the Secretary of State to designate local planning authorities that “are not adequately performing their function of determining applications”, when assessed against [published criteria](#).

Those criteria relate to:-

- the speed of decisions made by local planning authorities for applications for major and non-major development, measured by the percentage of applications that have been determined within the statutory period or such extended time as has been agreed between the local planning authority and the applicant

- the quality of decisions made by local planning authorities for applications for major and non-major development, measured by the proportion of decisions on applications that are subsequently overturned at appeal (including those arising from a ‘deemed refusal’ where an application has not been determined within the statutory period)

If a local planning authority falls below the performance thresholds set out in the criteria it may be designated for its performance in relation to applications for major development, non-major development, or both.

In this case, [section 62A of the Town and Country Planning Act 1990 \(as amended\)](#) allows applications for the category of development for which the authority has been designated (i.e. major development, non-major development or both) to be submitted directly to the Secretary of State (if the applicant wishes) as long as the designation remains in place. This excludes householder and retrospective applications, which must still be made directly to the local planning authority.

12. How must decisions on applications for planning permission be made?

To the extent that development plan policies are material to an application for planning permission the decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (see [section 70\(2\) of the Town and Country Planning Act 1990](#) and [section 38\(6\) of the Planning and Compulsory Purchase Act 2004](#) – these provisions also apply to appeals).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application or appeal. This includes the presumption in favour of development found at [paragraph 14 of the Framework](#). If decision takers choose not to follow the National Planning Policy Framework, where it is a material consideration, clear and convincing reasons for doing so are needed.

END