

# SIBFORD FERRIS PARISH COUNCIL

## Planning Committee Terms of Reference

This document provides:

- a brief guide to how planning applications are dealt with and the parish council's role in the process
- the formal terms of reference for the Parish Council's Planning Committee.

### Dealing with Planning Applications

Cherwell District Council (CDC) is the planning authority for the local area and is the only body that can make decisions on planning applications. CDC is obliged to inform Sibford Ferris Parish Council of planning applications relating to land and buildings within the parish and, when making a decision, to take into account the comments received from the parish council.

Cherwell District Council publishes all planning applications and all comments received on their website. They usually inform owners of neighbouring properties of an application (which they are not obliged to do), and place a notice on a public highway near the site.

Every planning application that relates to land and buildings in the parish is considered by the Parish Council at a meeting of either the Planning Committee or the full Parish Council. The Parish Council will also consider planning applications relating to neighbouring parishes (such as Sibford Gower and Swalcliffe) that are of concern to Sibford Ferris residents.

Meetings of the Planning Committee are advertised and members of the public are welcome to attend and express their views on applications. Councillors will discuss and vote on the comments to be made by the Parish Council on each application. The submitted Parish Council comments are a corporate view of the council; they do not necessarily reflect all comments made by members of the public. Neither the submitted comments nor the minutes of the meeting contain anything that could personally identify a member of the public.

The Parish Council sends its comments to Cherwell District Council. Members of the public can and (for maximum impact) should submit their own comments to Cherwell District Council. Information on how to do this may be found on the CDC website or from the Parish Clerk. CDC will only take into account comments that include the name and address of the submitter, which will be published with the comment on the CDC website.

CDC will then make a decision on the application. Most decisions are made by an officer (employee) of Cherwell District Council. Some are decided by a committee of Cherwell District councillors, usually because a Cherwell District councillor has asked for the application to be referred to the CDC Planning Committee. If the decision is to be made by a committee the meeting will be advertised by Cherwell District Council and members of the public can attend and make comments. However if the decision is made by an officer it will be made in private and only written comments will be considered.

All CDC Planning Committee meetings are broadcast live on the internet, and are also available as "webcasts" for later playback, via the CDC website.

If permission for the application is refused, or is granted subject to conditions, the applicant may appeal to the Planning Inspectorate. However neither Sibford Ferris Parish Council nor anyone else opposed to a planning application can appeal if planning permission is granted.

Cherwell District Council is also responsible for *enforcement* action, for example where development has taken place without planning permission. The parish council is not invited to comment on such action. Complaints about unauthorised development should be made direct to

## **The Parish Council's role in the planning process**

The Parish Council has a statutory right to be consulted on planning applications in its area but the final decision rests with Cherwell District Council. The Parish Council's role is to inform and add value to the decision making process by:

- providing local knowledge and background which planning officers may not be aware of
- providing a conduit for local opinion and community concerns
- keeping an eye to ensure that proper procedures and agreed policies are being followed
- alerting the local community to particular issues of concern arising from planning applications.

Whilst the Parish Council is free to make any comments it likes, only relevant planning matters will be taken into account. Relevant questions for the Parish Council to ask when considering an application are:

- Is this consistent with the policies in the Council's approved local plan?
- Is the application in a conservation area or affecting a listed building?
- What will be its impact on traffic and highway safety?
- Will it cause problems for neighbours of loss of privacy and overlooking?
- Is the extent or scale of the development in keeping with the immediate area?
- Are the design, appearance, materials and layout appropriate for the area?
- Will it result in loss of open space or amenity?
- Will it cause unacceptable noise, disturbance and smells?
- Will there be potential problems with drainage, flooding and water run-off?

Issues that are not relevant in planning terms are:

- The effect on surrounding property values
- Loss of people's views resulting from the development
- Possible future development not included in the current application
- Private property rights such as boundary disputes
- Matters covered by other laws
- The identity or reputation of the developer, applicant or land owner.

## **Terms of Reference for the Planning Committee**

### ***Membership***

The Committee shall consist of at least three councillors, elected annually by the Parish Council at the Annual Parish Council Meeting.

The quorum of the Committee shall be three members.

At its first meeting the Committee shall elect a Chair and Vice Chair from amongst themselves.

Should any of the elected committee members not be able to attend a Planning Committee meeting, or knows that they will have to declare an interest on one or more of the agenda items, it is their responsibility to inform the Clerk in good time. The Clerk will make

arrangements for a substitute or additional councillor to attend so that the meeting shall remain quorate.

Any parish councillor not on the Planning Committee (and not asked to be a substitute) may also take part in a specific meeting, with full voting rights. They must be present at the start of the meeting and attend throughout.

### ***Areas of responsibility***

The Planning Committee has delegated authority from the Parish Council to make representations to the Local Planning Authority on applications for planning permission which have been notified to the Council.

The Committee will also consider and respond to an application located in a neighbouring parish, at the request of either the (Sibford Ferris) Parish Clerk or the Chair of the (Sibford Ferris) Parish Council.

### ***Meetings***

Meetings will be called and conducted in accordance with Parish Council Standing Orders.

Meetings will be called by the Parish Clerk as necessary in order to deal with applications within their consultation periods. The Clerk may agree with CDC a modest extension of a consultation period in order to batch applications efficiently.

If the timing is convenient, applications will be considered at a full Parish Council meeting in preference to calling a meeting of the Planning Committee.

The meeting agenda, listing all applications to be considered, will be published three clear days in advance of the meeting on the village notice board and parish council website. The meeting will not consider an application which has not been publicly notified in this way.

Committee members will familiarise themselves with the applications before the meeting, either using papers obtained from the Clerk or via the CDC planning portal. They may canvass opinions from residents and others but will come to the meeting with an open mind.

The Parish Clerk will ensure that any comments received by the Parish Clerk prior to the meeting are considered at the meeting.

The Chair will normally allow free and open discussion by members of the public at the meeting, ensuring that all who wish to comment have a chance to speak. However, the Chair may restrict discussion or impose time limits on individuals if there is a large number of people wishing to speak, or if necessary to maintain order in the meeting.

Minutes of all meetings will be recorded by the Parish Clerk or by any member nominated at the meeting and will record the responses agreed at the meeting. They will be circulated to all councillors and published on the parish council website within a few days of the meeting, reported to the full Parish Council, and approved at the next Planning Committee or full Parish Council meeting.

### ***Responses***

The Parish Clerk will communicate to the Local Planning Authority the Committee's decision and comments in respect of applications considered.

### ***Review***

These terms of reference will be reviewed annually at the Annual Parish Council Meeting.

# **Contacts**

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## ***Cherwell District Council***

<http://www.cherwell.gov.uk/planning>

## ***The Planning Inspectorate***

<https://www.gov.uk/government/organisations/planning-inspectorate>