



# Planning Applications



*Roles & Responsibilities*

>>> **A Guide**





# Introduction

Planning decisions affect everyone. They have an impact on the quality of the environment and on the financial value of the land. Planning decisions can be controversial and arouse considerable public interest, so it is vital that these decisions are made openly and impartially. This leaflet explains who is responsible for what in the planning process as operated by Stirling Council.

Planning permission is needed for many forms of development ranging from installing a satellite dish to building a housing estate. Planning Officers can advise you on whether or not a proposal needs permission and on how to apply for such permission. They can also advise you on what the Council is likely to accept or reject. This saves time.

This guide covers the area of Stirling Council that is not included within the Loch Lomond and the Trossachs National Park, as the Park is the Planning Authority for that part of the Council area.

Any queries on planning matters within the park area should be made to the Park at:

**Loch Lomond and the Trossachs National Park**  
**The Old Station**  
**Balloch Road**  
**Balloch G63 8BF**  
**Tel:** 01389 722600  
**Email:** [info@lochlomond-trossachs.org](mailto:info@lochlomond-trossachs.org)

Anyone can apply for planning permission. There is no necessity to own or have any interest in the land.

# What Happens to a Planning Application?

- All new planning applications are noted in the Council's weekly Planning Schedule which is publicly available at libraries, Council offices and on the Council's website. It is also available through the Council's online planning service [www.stirling.gov.uk/onlineplanning](http://www.stirling.gov.uk/onlineplanning). Everybody is welcome to view proposals and submit comments on them. All relevant comments will be considered.
- The Planning Officer assesses applications in the light of all 'material considerations' (see page 7). These include Council and Government policies, the impact of a proposal on the surrounding area and the views of local people.
- Once a proposal has been assessed the Planning Officer will prepare it for a decision. At Stirling Council planning decisions are made in three ways:

## Delegated

- 1 Decisions on non-contentious cases are **delegated** to the Director of Environmental Services. These are applications that do not raise any controversial issues, are in line with all relevant policies and have not received any objections.

## Planning Schedule

- 2 Planning applications that have received objections or are in any way controversial, are generally decided via the **planning schedule**. The officers' recommendations on these applications are published each week on the Planning Schedule. One week later, this recommendation becomes the decision of the Council unless the Head of Planning and Environmental Strategy or any Councillor has decided that the application should be discussed at a meeting of the Planning Panel.

## Planning Panel

- 3 The **Planning Panel** considers reports and recommendations on complex and contentious applications and matters referred from the Planning Schedule.
- The Planning Panel may make a decision on the application, or defer a decision until they have visited the site or heard first hand the views of the objectors and the applicant, or pass it on to the full Council or the Environmental Quality Committee for a final decision.
  - On receipt of the Decision Notice (or if the Council fails to reach a decision within a specified time) applicants can appeal against the final decision by taking the matter to the Scottish Ministers. This may lead to a public inquiry chaired by a Reporter who will hear all the evidence and decide the appeal or recommend a course of action to the Scottish Ministers.

# Who's Involved and What Do They Do?

## 1 The Law

The 1997 Town and Country Planning Act defines the type of work or change of use that requires planning permission. It says that a decision on a planning application must be made in accordance with the adopted Local Plan and Structure Plan - unless there are “material considerations” that suggest otherwise.

## 2 The Applicant

Anyone can apply for planning permission. Applicants can range from an individual to a multi-national development company and they do not need to own the land. The landowner and the immediate neighbours must be notified of a planning application by the applicant.

Applicants have the right to an impartial and full consideration of their application.

An applicant should never try to influence Councillors or Community Councillors, who must remain impartial when deciding planning issues.

Lobbying of Councillors, Community Councillors, or Officers by developers is discouraged.



## 3 Planning Officers

Stirling Council employs professionally qualified Planning Officers who are responsible for development issues in Stirling. They also prepare the Local Plan, the Clackmannanshire and Stirling Structure Plan, develop planning policy and enforce planning decisions. They give impartial help and advice to applicants, developers and objectors and they recommend the approval or refusal of planning applications with or without conditions.

It is a Planning Officer's job to check a proposal against the Local Plan, the Structure Plan, national and Council planning policies and any other matter that might affect the application (the “material considerations”). It is at this point that any valid objections will be taken into account. All of these issues will be weighed up and then the officer will make a recommendation to approve or reject the application.

### Planning Officers:

- Must be independent and impartial. They must not be compromised by any action.
- Must not accept any gifts or hospitality, or work elsewhere.
- Must not pre-judge the decision and should always make it clear that their comments are not binding on the Council.
- Cannot act as an advocate but must provide advice equally to all parties.
- Should do their best to respond to letters quickly and deal with all issues promptly and courteously.

## 4 Councillors

Councillors are elected representatives who decide Council policy and whether or not to accept the recommendation of a Planning Officer. It is their responsibility to ensure their decisions are based on sound planning grounds. Planning officials will provide advice on this. Individual Councillors do not grant or refuse planning permission. With the exception of those cases delegated to the Director of Environmental Services, planning decisions are made collectively through the Schedule, Planning Panel or Committee.



The Planning Panel may decide to visit the site or ask to hear from local Councillors who are not members of the Panel. If an application is very contentious, the Panel may decide to have a hearing where the applicant and objectors are invited to put their views. While members of the Planning Panel have a responsibility to everyone in the Stirling Council area, they also have a responsibility to their own wards and are available to constituents at their local surgeries.

### Councillors must:

- Not prejudice a decision on an application or express a view on an application if they will be involved in determining it.
- Be even handed when dealing with supporters of a planning application and those opposed to it.
- Determine planning applications in the wider public interest.
- Declare any personal interest in a planning application or issue under discussion.

When meeting applicants and others with views on planning applications, Councillors will normally be accompanied by a Planning Officer. The Standards Commission for Scotland has issued a Councillors Code of Conduct which gives more detailed advice which Councillors should comply with.

## 5 Community Councils



Under planning legislation, Community Councils are consulted on major planning applications and issues affecting their areas. They can request a formal consultation on any proposal from the weekly list of new applications contained in the Planning Schedule. Community Councils are asked to express a view and these are considered and reported to Councillors. The views of a Community Council can help a Planning Officer weigh up the benefits or disadvantages of a

proposal by expressing the local opinions. Planning Officers can attend Community Council meetings to explain issues and policy matters. If a recommendation is made against the views of the Community Council, the reasons for that decision will be made public in the schedule or in a report to the Planning Panel.

A Community Council may request that a recommended decision on an application listed on the Schedule is considered for referral to the Planning Panel for discussion. This is subject to the agreement of the Head of Planning and the Chair of the Planning Panel. Stirling Council is continually reviewing its relationship with Community Councils and improves the way it does business in line with its local democracy programme. The Council will acknowledge all objections and write to explain the final decision it makes.

## 6 Objectors

Anyone can object to a planning application. The Council must take all relevant objections into account. The receipt of objections does not, in itself, mean that an application must be refused. The law makes it clear that objections should relate to “material considerations” and objections that do not relate to these are not considered valid and will not be taken into account. The Council has a responsibility to ensure that certain applications are advertised. Advertisements are placed in local newspapers and, in some cases, notices are put up at the site. In the Stirling Council area all planning applications are publicised on the Council's Planning Schedule which is available at Libraries, local offices and on the internet at [www.stirling.gov.uk/planning](http://www.stirling.gov.uk/planning). Sometimes the Council may want to encourage a public debate by holding public meetings or staging exhibitions.

## What is a Material Consideration?

### **The Government says that, for an issue to be 'material':**

- It should serve or be related to the purpose of planning - it should therefore relate to the development and use of land; and
- It should fairly and reasonably relate the particular application.

### **Examples of possible material considerations include:**

- Scottish Executive policy, and UK Government policy on reserved matters;
- National Planning Policy Guidelines, Scottish Planning Policies, Planning Advice Notes and Circulars;
- European policy, where relevant;
- A draft Structure or Local Plan;
- A National Park Plan;
- Area Waste Plans;
- Community Plans;
- The environmental impact of the proposal;
- The design of the proposed development and its relationship to its surroundings;
- Access, provision of infrastructure and planning history of the site;
- Views of statutory and other consultees; and
- Legitimate public concern or support expressed on relevant planning matters.

*From Scottish Planning Policy 1  
The Planning System November 2002*

