

Factsheet

Grounds for Objecting to Planning Applications

December 2011

Background

This is a brief information note on how you can object to planning proposals for new development in your area. It gives details of some common grounds for objection but is not a comprehensive or complete guide. For more detailed information and advice, please contact us.

In making a planning decision, planners must decide what the relevant planning issues and considerations are and what weight to give to each of these in reaching a decision. The weight given to a planning consideration will vary in different situations. For example, the contribution that a building makes to the character of an area is much more important in a Conservation Area than it would be in an industrial estate. Planners must look at the overall picture and weigh all the relevant issues and considerations up against each other. When you are making an objection to a proposal, a combination of factors may make the strongest argument against a proposal.

Planning Policies, Area Plans and Guidance

If a proposed new development is contrary to a planning policy or a draft planning policy, you can use this in your objection.

Planning policies are contained in a number of different kinds of documents. Planners must take all relevant planning policies into consideration when they are making a decision about a proposed new development. When you are objecting to a proposal, it is usually useful to look through your local Area Plan and any relevant Planning Policy Statements to see if there are any planning policies that you can use to support your objection.

(a) Planning Policy Statements

Planning Policy Statements (PPSs) apply to the whole of Northern Ireland. Each Planning Policy Statement deals with a different topic. For example Planning Policy Statement 7 - Quality Residential Developments deals with new residential development and Planning Policy Statement 21 - Sustainable Development in the Countryside deals with new development in the countryside. If you think a proposed development is contrary to one of the policies contained in a Planning Policy Statement, then you can use this in your objection.

Planning Policy Statements are available at www.planningni.gov.uk.

Example

Policy QD 1 Quality in New Residential Development contained in Planning Policy Statement 7 – Quality Residential Development states that new residential developments will be expected to meet the following criteria:

“the design and layout will not create conflict with adjacent land uses and there is no unacceptable adverse effect on existing or proposed properties in terms of overlooking, loss of light, noise or other disturbance;”

If you consider this is relevant to the proposal you wish to object to, then your letter of objection could say something like:

“In my opinion the proposed new development is contrary to policy QD 1 of PPS 7. It will overshadow my back garden, back living room, kitchen and bedrooms for most of the day. It will overlook these rooms to the back of my house causing an unacceptable loss of privacy. The location of the entrance to the car park four metres away from my property will cause unacceptable additional disturbance.”

(b) Area Plans

The Area Plan sets out planning policies that are specific to your local area. The Area Plan is usually made up of a map and a written statement. The map will show you which areas are “designated” or “zoned”. Areas may be designated (zoned) for different reasons. In some cases it is to give them extra protection against inappropriate development. For example Conservation Areas, Areas of Townscape Character, Green Belts or Local Landscape Policy Areas are designated for this reason. In other cases, they are designated (zoned) because they are considered to be suitable for certain types of development, for example, housing or industry. You can also find the development limits of cities, towns and villages in your local Area Plan. The written statement that accompanies the Area Plan contains information about the policies that apply in these areas.

If you are objecting to a proposal you should check your local Area Plan to see if the site is designated. You should also check the written statement that accompanies the Area Plan to see which policies apply to this site. If you think that the proposed development is contrary to the policies set out in the Area Plan, you can use this in your objection. You can view the Area Plan at your local planning office. Alternatively, you can telephone your local planning office to ask which policies from the Area Plan apply to the site you are interested in.

Example

A letter of objection could say something along the lines of:

“I wish to object to this proposal for a new housing estate as it is contrary to the Craigavon Area Plan 2010. This development is not suitable in this location as it is located in a Local Landscape Policy Area (LLPA). Other more suitable sites have been designated for housing in the Craigavon Area Plan 2010. Policy CON 3 Development Affecting Local Landscape Policy Areas states that “there will be a presumption against development “ in LLPAs. It also states that new development, “must not adversely affect the intrinsic environmental value and character of the Local Landscape Area.” As this proposal will harm local wildlife and ruin the character of the LLPA, I believe it should be refused.”

(c) Other Designations

Other designations include Areas of Outstanding Natural Beauty, Sites of Local Nature Conservation Importance etc. Details of these are usually included in the Local Area Plan for information. There may also be planning policies contained in Planning Policy Statements or in the local Area Plan that apply to these areas. For example, Draft Planning Policy Statement 2 - Natural Heritage contains planning policies dealing with most environmental designations. These policies can be used to support your objection to a proposed development in the same way as the planning policies above.

(d) Supplementary Planning Guidance

As well as Planning Policy Statements and Area Plans, the Department of the Environment also produces supplementary planning guidance which provides detailed advice and applies across Northern Ireland, to give further advice on certain topics. Examples of supplementary planning guidance include Development Control Advice Notes such as Development Control Advice Note (DCAN) 8 Housing in Existing Urban Areas or design guides such as the Design Guide for Rural Northern Ireland. Planners must take any supplementary planning guidance into consideration when they are making a decision about a development. However, they will not give this guidance as much weight as they would give to an Area Plan or a Planning Policy Statement.

Other Grounds for Objection

In this section we present other grounds for objecting. Some of these overlap with planning policy issues outlined above.

(1) Impacts on Amenity

You can object if a change of use or new development will overlook your property, overshadow your property or cause additional noise, disturbance or other problems that mean that you cannot enjoy your property in the same way that you could before.

(2) Character of the Area

You can object to a proposal if it will look out of place in an area or if its character does not fit in with the existing character of the area. For example, if a new development is much larger than other buildings in an area or has a different architectural style you can object. If a building will stand out in the countryside or another setting this also provides a basis for objecting.

(3) Design, Layout and Appearance of the Proposal

The design, layout and appearance of new developments should be practical and fit in with the character and appearance of the surrounding area. There should be enough room for bin storage, parking, recreation etc. The design of new developments should fit in with other buildings in the area. The development should not be too dominant. If this is not the case, you can object.

(4) Density

The proposed density (the number of dwellings per hectare) should not be significantly higher than that found in the area.

(5) Size of Housing Unit

New housing units should be built to an adequate size.



(6) Compatibility with Existing Land Use

Some land uses work well next to each other, for example, a school often fits in well next to housing. Other types of development do not work well if they are located next to each other, for example, a large factory may not be appropriate next to an area of housing due to noise, disturbance, the hours of operation, increased traffic and pollution. You can object if you think a new development will not fit in well with existing land uses.

(7) Housing Need

If there is a need for a certain type of housing in an area you can use this in your objection. For example, if a developer wants to build small apartments and there is a recognised need for family housing then you can use this in your objection. Evidence of a recognised housing need may be available from the Housing Executive and Housing Associations.

(8) Conservation of Buildings

If you think a listed building or other building makes an important contribution to the character of an area (especially a Conservation Area or Area of Townscape Character) and should be retained you can use this in your objection. The Northern Ireland Environment Agency may be able to provide information of help.

(9) Heritage

The importance of preserving ancient monuments or sites of cultural or architectural value can be an important planning consideration. If you think these should be retained and there is a possibility that the heritage of an area will be destroyed you can use this in your objection.

(10) Retention of Trees and the Natural Environment

If a new development will result in the loss of significant trees or will damage the natural environment in some way, you can object.

(11) Cumulative Impact

This looks at the combined impact of development in an area. A development may not have significant negative impacts on an area on its own but in combination with another development it could seriously damage the character of an area, overload local services, etc.

(12) Road Safety and the Impact on Traffic

If a new development will result in unsafe conditions on the road or will mean that traffic cannot move freely along the road, you can object. For example, if there are not enough parking spaces, cars may park along the road causing traffic congestion and making it difficult for emergency services to access the area. If a new access will be created in a dangerous position you can object. The Roads Service provides an opinion on these issues to the Department of the Environment.

(13) Adequacy of Infrastructure

If you think that existing roads, parking facilities, public transport, electricity, water and sewerage systems etc. cannot cope with a new development or will be overloaded, you can object on these grounds.

(14) Planning History

If similar proposals were turned down on this site or a similar site in the past, you can use these as examples in your objection letter. You can also include any other planning or planning appeal decisions that you think are relevant.

(15) Creation of Precedent

If the Department of the Environment or the Planning Appeals Commission allow a development, it is difficult for them to refuse a similar development on a similar site, as a precedent has been created. When you are objecting to a proposal, you could argue that if the development was approved this would create a poor precedent. For example, if approval was given for a detached house to be replaced with an apartment development, this could be repeated on similar sites in the area, resulting in a loss of family housing and changing the overall character of the area. If you know of an example where a similar proposal was refused on a similar site, you could argue that a precedent has been created for refusing this type of development on this type of site.

(16) Piecemeal Development

You can object to piecemeal development as it may prejudice the proper planning of a larger development of land. If a proposal only takes account of a small section of a larger parcel of land this could result in incompatible, unplanned and unsympathetic development. For example roads may not align properly and the area may not be completed to high standard. Therefore you can argue that the land should be planned and developed as a whole and planning permission should be applied for for the whole area, not just a section of it.

(17) Renewable Energy

The fact that a proposal will result in the delivery of renewable energy must be considered alongside the possible visual interference or effect on the surrounding landscape. For example you may want to object to a proposal for a wind turbine on the grounds of the visual impact it will have on the quality of the landscape.

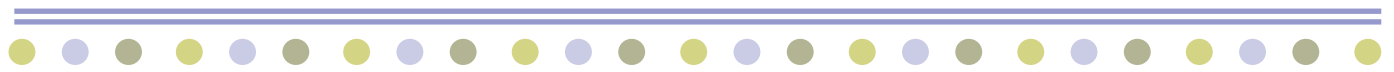
(18) Impact on Tourism

If you think a proposal will impact tourism either negatively or positively in the area or may effect the potential for a growth in tourism levels you can use this in your objection.



(19) Economic Impact

If you think that a development will have an economic impact (whether good or bad) in an area you can use this in your objection. For example the creation of a large superstore may result in a loss of local sales and the closure of shops and businesses.



For further information about any of the above and please contact us:

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