

CONSTITUTION PRACTICE NOTE

MATERIAL CONSIDERATIONS

1. A material planning consideration is one which is relevant to making the planning decision in questions that is to whether there are valid planning reasons to grant or refuse an application for planning permission.
2. The scope of what can constitute a material consideration is very wide and so the courts often do not indicate what cannot be a material consideration. However in general they have taken the view that planning is concerned with land use in the public interest so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property or loss of private rights to light could not be material considerations. It is for the decision maker to decide what weight is to be given to the material considerations in each case.
3. Some of the main examples of material considerations are:
 - i. National planning policies
 - ii. Ministerial statements
 - iii. Appeal Decisions
 - iv. Case Law
 - v. Consultation responses
 - vi. Some neighbour comments
 - vii. 5 year land supply
4. Further advice on what may be material planning considerations will be set out in any assessment of the application, whether that is a report to committee or officers before an application is determined.
5. It is important that all material planning considerations are documented including an assessment of the weight to attach to them as this will form a substantial part of the Council's evidence should any appeal or challenge be made after the decision to refuse or grant has been taken.