

Material Considerations – Planning Issues

A material planning consideration is one which is relevant to making the planning decision in question (eg. whether to grant or refuse an application for planning permission). 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 or potential reductions in property value cannot not be material considerations.

The law makes a clear distinction between the question of whether something is a material consideration and the weight which it is to be given. Whether a particular consideration is material will depend on the circumstances of the case and is ultimately a decision for the courts. Provided regard is had to all material considerations, it is for the decision maker to decide what weight is to be given to the material considerations in each case, and (subject to the test of reasonableness) the courts will not get involved in the question of weight.

<https://www.gov.uk/guidance/determining-a-planning-application>

Material considerations can include (but are not limited to):

1. Biodiversity
2. Effect on trees and wildlife/nature conservation
3. Permeable surfaces
4. Overlooking/loss of privacy
5. Loss of light or overshadowing
6. Parking
7. Highway safety
8. Traffic
9. Noise/smells/dust/fumes
10. Overlooking/loss of privacy
11. Loss of light or overshadowing
12. Parking
13. Highway safety
14. Traffic
15. Effect on listed building and conservation area
16. Layout and density of building
17. Design, appearance and materials
18. Government policy
19. Disabled persons' access
20. Proposals in the Local/Development Plan
21. Previous planning decisions (including appeal decisions)
22. Scale and dominance
23. Layout and density of buildings
24. Drainage and flood risk
25. Impact on character or appearance of area
26. Impact on the community and other services
27. Economic impact and sustainability
28. Government policy

Issues that are not material considerations and will not impact a planning application are:

1. Who the applicant is/the applicant's background
2. Loss of views
3. Loss of property value
4. Loss of trade or increased competition
5. Strength or volume of local opposition
6. Construction noise/disturbance during development
7. Fears of damage to property
8. Maintenance of property
9. Boundary disputes, covenants or other property rights
10. Rights of way
11. Personal circumstances are generally not a material planning consideration