SHEEPY PARISH COUNCIL

THE VILLAGES OF

Sheepy Magna, Sheepy Parva, Sibson, Wellsborough, Upton, Pinwall and Cross Hands

PLANNING CODE OF GOOD PRACTICE FOR COUNCILLORS

Approved at the Sheepy Parish Council meeting

Review Date: 6th October 2026

1. Aims and Application

1.1 Sheepy Parish Council is not a planning authority, but as a statutory consultee it is still part of the planning process. It is important therefore, that its consideration of planning applications in public is open and fair and that representations made to the planning authority are done openly, impartially, with sound judgement and for justifiable reasons.

1.2 The aim of this Code is to ensure that in the planning process there are no grounds for suggesting that observations by Sheepy Parish Council are biased, partial or not well-founded in any way.

1.3 This Code applies to all Parish Councillors. It includes when taking part in Parish Council discussions and meetings to consider representations to be forwarded to the planning authority and when involved on less formal occasions, such as meetings with planning officers, applicants (or their representatives) or parishioners. It also applies to matters related to planning enforcement as well as planning applications and planning appeals.

1.4 If Parish Councillors have any doubts about the application of this Code to their own circumstances they should seek advice early from the Clerk and preferably well before any meeting takes place.

2. Interpretation

2.1 This Code seeks to explain and supplement the Code of Conduct for Councillors for the purposes of planning matters. The requirements of the Code of Conduct for Councillors adopted by the Parish Council must always be complied with first.

2.2 In this Code, “Interest”, “Disclosable Pecuniary Interest” and “Ordinary Interest” have the meanings given in the Code of Conduct for Councillors and “Private Interest” means either:

2.2.1 a Disclosable Pecuniary Interest; or

2.2.2 an Ordinary Interest where that interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Councillor’s judgment of the public interest.

3. Planning applications and interests.

3.1 Councillors must disclose the existence and nature of any interest at any relevant meeting, including informal meetings or discussions with planning officers and other Councillors. Interests should preferably be disclosed at the beginning of the meeting or as soon as an interest becomes known.

3.2 Where the Councillor has a Private Interest they must:

3.2.1 not participate, or give the appearance of trying to participate, in the making of any decision on the matter by the Parish Council. They may address the Parish Council but only during Parishioner's Open Forum to make a presentation in the same manner that would apply to any parishioner, after which they must leave the room whilst the meeting considers the planning application/matter.

3.2.2 not try to represent parishioner views; they should get another Parish Councillor to do so instead.

3.2.3 not seek or accept any preferential treatment, or place themselves in a position that could lead the public to think they are receiving preferential treatment, because of their position as a Parish Councillor. This would include using their position to discuss a proposal with planning officers or borough councillors when other members of the public would not have the same opportunity to do so, or utilising information which has come into their possession in their role as a Parish Councillor but is not otherwise available to members of the public

3.2.4 be aware that, whilst they are not prevented from seeking to explain and justify a proposal in which they have a Private Interest to an appropriate officer, in person or in writing, the Code of Conduct for Councillors places limitations on them in representing that proposal.

4. Fettering Discretion in the Planning Process

4.1 Parish Councillors must not fetter their discretion (i.e. unable to exercise independent judgment on a matter), and therefore their ability to participate in discussing planning matters and deciding on representations to be made to the planning authority. For example, by making up their mind, or clearly appearing to have made up their mind (particularly in relation to an external interest or lobby group), on how they will vote on any planning matter prior to formal consideration of the matter at the meeting of the Parish Council and of their hearing the Clerk's advice and evidence and arguments on both sides.

4.2 Fettering their discretion in this way and then taking part in making the decision will put the Parish Council at risk of challenge on the grounds of there being a danger of bias or pre-determination or a failure to take into account all of the material considerations enabling the proposal to be considered on its merits.

4.3 Unless they have a Private Interest, Parish Councillors will not have fettered their discretion or breached this Code through:

4.3.1 listening or receiving viewpoints from residents or other interested parties;

4.3.2 making comments to residents, interested parties, other Parish Councillors or appropriate officers, provided they do not consist of or amount to pre-judging the issue and they make it clear that they are keeping an open mind;

4.3.2 seeking information through appropriate channels; or

4.3.4 being a vehicle for the expression of opinion or speaking at the meeting as a Parish Councillor, provided they explain their actions at the start of the meeting or item and make it clear that, having expressed the opinion or parish ward/local view, they have not committed themselves to vote in accordance with those views and will make up their own mind having heard all the facts and listened to the debate.

4.4 Parish Councillors are able to take part in the debate on a proposal when acting as part of a consultee body (e.g. member of a conservation group or the Ramblers Association), provided: they disclose the Ordinary Interest regarding their membership or role when the Parish Council comes to consider the proposal.

4.5 Where they have fettered their discretion, Parish Councillors should explain in the Parish Council meeting that they do not intend to speak and vote on a proposal because they have or they could reasonably be perceived as having judged (or reserved the right to judge) the matter elsewhere, so that this may be recorded in the minutes. They do not have to withdraw (if they don't have a Private Interest in the matter), but they may prefer to do so for the sake of appearances.

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5. Contact with Applicants, developers and objectors

5.1 Parish Councillors should refer those who approach them for planning, procedural or technical advice to the Clerk or to planning authority officers.

5.2 Parish Councillors should not agree to any private meeting with applicants, developers or groups of objectors on their own where they can reasonably avoid it. Where they believe that a private meeting would be useful in clarifying the issues, they should attend with the Clerk or if this is not possible with another Parish Councillor. The Clerk or Parish Councillors will then ensure that those present at the meeting are advised from the start that the discussions will not bind the Parish Council to any particular course of action, that the meeting is recorded and the record of the meeting is disclosed to all other Parish Councillors.

5.3 Parish Councillors should report to the Clerk any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and their involvement in them, and ensure that this is recorded.

6. Lobbying by Parish Councillors

6.1 Parish Councillors should not lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If they do, they will have fettered their discretion and are likely to have a Private Interest.

6.2 Parish Councillors may join general interest groups which reflect their areas of interest and which concentrate on issues beyond particular planning proposals, such as the Ramblers Association or a local history society, but they must disclose any Interest where that organisation has made representations on a particular proposal and make it clear to that organisation and the Parish Council that they have reserved judgement and the independence to make up their own mind on each separate proposal.

6.3 Parish Councillors should not excessively lobby fellow councillors regarding their concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.

6.4 Parish Councillors must not put pressure on either the Clerk or planning authority officers to put forward a particular recommendation. This does not prevent them from asking questions or submitting views as individuals through the formal consultation process.

6.5 In preparing a consultation response (representation) to any planning application or enquiry, the Parish Council will use the Made Sheepy Neighbourhood Plan as the basis of the response. In doing so it will ensure that the response is fully consistent with the Policies in the plan (in their entirety) and make recommendations that align with other elements of the plan, including its Design Guide.

7. Process for dealing with planning applications

7.1 The Parish Council has advised the planning authority (HBBC) that it wants to be consulted on all planning applications (PA's) and so the Clerk is notified of each one as the public consultation is initiated by HBBC.

7.2 By law the Parish Council has 21 days (14 days for a re consultation), as do other statutory consultees including the public, to respond to a PA.

7.3 On receipt of a PA:

I. The Clerk issues a notice of receipt to Parish Councillors with a link to the application;
II. The Planning Sub-committee which is the Neighbourhood Planning Steering Group (NP SG) is also notified;
III. The NP SG then review the PA in detail and doing so consider the application against the policies of the made Neighbourhood Plan (May 2022) and any other evidence that is relevant and we are aware of, such as comments from councillors and the public. As necessary, the NP SG will take advice from our planning consultant (who is a fully qualified independent professional planner and member of the RTPI);

IV. The NP SG presents to Parish Councillors (via the Clerk) a suggested response to the PA;
V. Parish Councillors then have further opportunity to comment and subsequently are asked to approve (or not) the Parish Council's response to the PA;

VI. The approved response is then submitted to the Planning Authority by the Clerk before the HBBC consultation deadline and the response recorded in the next Parish Council minutes.

VII. All responses include a request to HBBC that the Parish Council is informed of any late changes to the PA, e.g. amendments to design statement after the end of the consultation period, so that these can also be considered in the Council's response.

7.4. If a PA is referred to the HBBC planning committee for a decision, the Parish Council will be notified and given the opportunity to attend the committee meeting. Whether the Parish Council (representative) attends or not will be considered on a case-by-case basis, but it is more likely that the Council will attend if the Parish Council has objected to a PA on the basis of it not complying with Neighbourhood Plan policies and the planning officers are recommending that the Committee approves the application.

8. Appeals

8.1 Where a planning application or enforcement notice is subject to an appeal (to the Secretary of State), the local planning authority will notify the Parish Council and provide details on how the appeal will be determined by the Planning Inspectorate, e.g. by written representations, a hearing or an enquiry.

8.2 The planning authority are required to submit all representations made to them in relation to the planning application/enforcement case and the Inspector is required to consider these when determining the appeal. To avoid doubt, the Clerk to the Parish Council will forward to the Inspector a copy of all representations made that are relevant to the appeal and any additional comments. The drafting and approval of any further comments will be subject to the procedure outlined earlier,

8.3 Submission of information relating to the appeal will be made by the Clerk, on behalf of the Parish Council, directly to the Planning Inspectorate via its Appeals Casework Portal.