

# How to Comment on a Planning Application

## What this guide is for

---

When a developer or householder applies for planning permission, you have the right to have your say. This guide explains how to submit a comment, what the council can actually take into account, and how to make your comment count.

Your comments go on the public record and are read by planning officers before they make a recommendation to the Planning Committee. If the application goes to committee, members of the committee see your comments too. It does matter.

## Where to find applications

---

All planning applications for Swale are listed on the Swale planning portal. You can search by address, postcode or application number.

**Swale planning portal:** [pa.swale.gov.uk/online-applications](http://pa.swale.gov.uk/online-applications)

You can also search for applications on the national Planning Portal, which covers the whole of England and links directly to local authority systems.

**National Planning Portal:** [www.planningportal.co.uk](http://www.planningportal.co.uk)

You will need to register for a free account on the Swale portal before you can submit a comment. Registration only takes a few minutes.

## How to submit your comment

---

You have 21 days from the date the application was validated to submit a comment. Swale will also consider late comments if they are relevant, so do not be put off if the deadline has passed.

You can comment in three ways:

<b>Online</b>	Log in to <a href="http://pa.swale.gov.uk">pa.swale.gov.uk</a> , find the application, and use the comment form.
<b>By email</b>	<a href="mailto:planningcomments@swale.gov.uk">planningcomments@swale.gov.uk</a> - put the application number in the subject line.
<b>By post</b>	Head of Planning, Swale Borough Council, Swale House, East Street, Sittingbourne, ME10 3HT

**Every comment must include:**

- The planning application number and the address of the site
- Your full name and postal address (anonymous comments are not accepted)
- The date you are writing

Online and email submissions carry exactly the same weight as a letter. You do not need to send a copy by post if you have already submitted online or by email.

## Making your comment count

---

The most important thing to understand is that planning decisions have to be based on what are called material planning considerations. These are planning-related reasons, set out in law and government policy. Comments that stick to material planning considerations are far more likely to influence the outcome than those that do not.

Keep your comment focused and factual. Use sub-headings if you have more than one concern. You can attach photographs or plans to back up what you are saying.

Individual letters carry more weight than a petition or a standard template letter. If many people object, it is more effective for each person to write their own comment in their own words, even if the concerns are the same. A petition shows feeling but tells the council little about the planning substance of the objection.

If a large number of residents are opposed to an application, it may be worth forming a local action group to pool information and coordinate comments, especially for major developments.

## What are material planning considerations?

---

These are the planning reasons the council is allowed to weigh up when deciding an application. If your objection is based on one of these, it goes on the record and must be considered. Below are the main ones that tend to apply to housing and development applications in our ward.

### Traffic, parking and road safety

Extra homes mean extra cars. You can raise concerns about the impact on specific junctions, lack of parking on the development itself, or road safety near schools or on narrow lanes. If you have evidence of existing problems, include it.

### Drainage and flood risk

Does the site drain well? Is it in a flood zone? Could building there increase run-off onto neighbouring land or roads? Surface water flooding is a growing problem across Swale and is a legitimate planning concern.

### Impact on character and appearance of the area

This covers whether the scale, design and materials of a development fit in with the surroundings. A large estate dropped into open countryside can properly be objected to on grounds of visual amenity and the harm it does to the character of the village or area.

**Note on loss of view:** Pure loss of view is not a material consideration. However, harm to the visual amenity of an area is. There is a difference between a neighbour objecting that they will no longer see the fields from their window, and an argument that the development damages the open character of the village that everyone shares. The second argument can carry weight.

### Overlooking and loss of privacy

If windows or balconies in the new development would directly overlook existing homes or gardens at close range, this is a material consideration. It needs to be specific: describe which windows and which properties are affected.

### **Loss of daylight or overshadowing**

If the scale or position of a building would significantly reduce the sunlight reaching a neighbouring home or garden, this can be raised. The more specific and factual you can be, the better.

### **Effect on trees and wildlife**

Is there protected woodland, hedgerow or habitat on the site? Are there protected species such as bats, great crested newts or badgers? These carry legal protections and must be taken into account. If you know of wildlife on the site, say so.

### **Effect on listed buildings and conservation areas**

If the site or a neighbouring property is listed or in a conservation area, the visual and physical impact of the development on its setting is a material consideration and a strong one.

### **Noise, dust and fumes**

If the proposed use would generate noise or pollution that would affect neighbouring properties, this can be raised. During construction, however, disruption and noise are generally not material considerations for the decision itself, only for how conditions might be worded if permission is granted.

### **Pressure on local infrastructure and services**

This covers things like school places, GP capacity, water supply and public transport. Swale has some of the worst GP-to-patient ratios in the country and school places in parts of our area are already stretched. If a development would add significant numbers of households without infrastructure improvements, this can be a legitimate planning concern. The stronger your evidence, the better.

### **Harm to best and most versatile farmland**

Agricultural land is graded from 1 (best) to 5. Grades 1, 2 and 3a are classed as the best and most versatile, meaning they are the most productive. Building on this land is a material planning consideration, particularly where lower-grade alternatives exist.

### **Government policy and the Local Plan**

If a proposal conflicts with policies in the government's National Planning Policy Framework (NPPF) or with policies in Swale's adopted Local Plan, you can say so. You do not need to be a lawyer to point this out. Simply saying

that the site is not allocated for housing in the Local Plan, and that you believe the application conflicts with Policy X, is a legitimate and relevant comment.

Swale's adopted Local Plan (Bearing Fruits 2031) was adopted in 2017 and is now considered out of date. This weakens the council's ability to resist some applications under the NPPF, but Local Plan policies still carry weight and should be referenced where relevant.

### **Previous planning decisions**

If the same site or a similar nearby proposal has previously been refused, or if a planning inspector dismissed an appeal, those decisions are relevant. Refer to them by date and application number if you can.

### **What the council cannot take into account**

---

It is worth knowing what cannot influence a planning decision. Raising these points will not help your case and may dilute the impact of your real concerns.

- Who the applicant is, or their personal background or history
- Loss of view from your own property (though harm to visual amenity of the area can be raised)
- Drop in your property value
- Loss of trade or increased competition for local businesses
- How many people object (the number alone does not decide things, only the planning substance of objections)
- Noise and disruption during the construction period
- Fears about damage to your property during building works
- Boundary disputes, covenants, or other private rights
- Rights of way (dealt with separately, not through planning)
- The personal circumstances of the applicant

### **Using planning case law and policy to strengthen your case**

---

If you want to go further, you can look up planning appeal decisions on the Planning Inspectorate website. These set precedents and can be used to support or challenge arguments. A simple search such as 'planning inspectorate appeal decision visual amenity Green Belt' will often find relevant cases.

**Planning Inspectorate appeal decisions:** [acp.planninginspectorate.gov.uk](http://acp.planninginspectorate.gov.uk)

**Government planning policy (NPPF):**

[www.gov.uk/government/publications/national-planning-policy-framework--2](http://www.gov.uk/government/publications/national-planning-policy-framework--2)

**Plain English guide to planning (Planning Portal):**

[www.planningportal.co.uk/permission/frequently-asked-questions/what-is-planning](http://www.planningportal.co.uk/permission/frequently-asked-questions/what-is-planning)

**Planning policy and legislation (Planning Portal):**

[www.planningportal.co.uk/planning/policy-legislation](http://www.planningportal.co.uk/planning/policy-legislation)

## Contact your ward councillors

---

As your ward councillors, we attend planning committee meetings and can speak on applications affecting our ward. If you are concerned about a planning application in Hartlip, Newington or Upchurch, please get in touch. We can attend the committee as visiting members and put your concerns directly to the committee.

You can also raise concerns with your parish council. Parish councils are able to submit formal comments on planning applications, and their views are given weight in the process.

**Cllr Chris Palmer** Hartlip, Newington & Upchurch Ward | Swale Borough Council

**Cllr Richard Palmer** Hartlip, Newington & Upchurch Ward (SBC) | Swale West Division (KCC)

To contact us, write to the council at Swale House, East Street, Sittingbourne, ME10 3HT or email [democraticservices@swale.gov.uk](mailto:democraticservices@swale.gov.uk)

## Quick reference checklist

---

Before you submit your comment, run through this list:

- Have you included the application number and site address?
- Have you included your full name and postal address?
- Are your comments focused on material planning considerations?
- Have you avoided issues that cannot be taken into account (personal, financial, construction noise)?
- Have you been specific about how the development affects the area, not just your own property?
- Have you attached any photographs or evidence that support your case?
- Have you submitted before the 21-day deadline (or sent a late comment if the deadline has passed)?

**Remember:** Your comment is a public document. It will be published on the planning portal and seen by the planning officer, the committee, and the applicant. Keep it factual and focused.

## Kent County Council and planning

---

Most planning applications in our villages are decided by Swale Borough Council. But Kent County Council (KCC) is the planning authority for a separate set of uses and developments. If something is a KCC matter, you need to submit your comments to KCC, not Swale.

### What KCC decides as planning authority

KCC handles planning applications for county-level infrastructure and services. The main categories are:

- **Minerals extraction** - sand, gravel and aggregate quarrying, including extensions to existing sites and restoration schemes.
- **Waste management facilities** - landfill sites, waste transfer stations, recycling facilities, energy-from-waste plants and composting operations.
- **New schools and major school extensions** - KCC is both the education authority and the planning authority for applications on county council-owned land used for education purposes.
- **Development on KCC-owned land** - libraries, fire stations, adult social care facilities and other county-owned sites where KCC is the applicant.
- **County roads and highway infrastructure** - works to the strategic road network that require planning consent.

### KCC as a consultee on Swale applications

Even when an application is decided by Swale Borough Council, KCC is consulted on certain aspects. KCC departments submit formal responses to Swale covering:

- Highways - access, road capacity, junction safety and travel plans
- Education - school place capacity and the need for developer contributions toward new or expanded schools
- Public health - impacts on health infrastructure
- Archaeology and historic environment
- Public rights of way

These KCC responses are published on the Swale planning portal alongside all other consultation replies. You can read them when you look up an application. If you believe KCC has got something wrong in its response - for example, if the highways officer has underestimated traffic impact - you can say so in your own comment to Swale.

### **How to find and comment on a KCC planning application**

KCC planning applications are listed on the KCC planning register. You can search by location, application type or reference number. The process for commenting is the same as with Swale - you register, find the application, and submit your views.

**KCC planning register:** [www.kent.gov.uk/about-the-council/planning/applications](http://www.kent.gov.uk/about-the-council/planning/applications)

**KCC minerals and waste planning:** [www.kent.gov.uk/environment-waste-and-planning/planning-and-minerals](http://www.kent.gov.uk/environment-waste-and-planning/planning-and-minerals)

The same rules apply as with Swale. Your comment must include your name, address and the application reference number. Focus on material planning considerations. The 21-day consultation period applies here too.

### **KCC's own Local Plans**

KCC produces its own planning policy documents, separate from Swale's Local Plan. These cover minerals and waste. The key ones are the Kent Minerals and Waste Local Plan and the Kent Minerals Sites Plan. If a minerals or waste application is being considered near your village, these documents set out the policies that KCC must follow when deciding it. You can reference them in your comment in the same way you would reference Swale's Local Plan policies.

### **Your county councillor**

Hartlip, Newington and Upchurch all fall within the Swale West Division at Kent County Council. Cllr Richard Palmer is your county councillor for this division. If a KCC planning application is affecting your village, or if you believe KCC's response to a Swale application is wrong, Richard can raise the matter directly with KCC officers and, where appropriate, speak at KCC's Planning Applications Committee.

The Swale West Division covers the following villages and areas:

- Borden
- Bobbing
- Lower Halstow
- Iwade
- The Meads (Sittingbourne)
- The Grove (Sittingbourne)
- Hartlip
- Newington
- Upchurch

**To comment on a KCC application by post or email:**

Planning Applications Team, Kent County Council, Invicta House, County Hall, Maidstone, ME14 1XX

Email: [planning.applications@kent.gov.uk](mailto:planning.applications@kent.gov.uk) | You must include the KCC application reference number in your submission.