

Appendix 2

Officer's Role where a recommendation is not followed

The following advice is set out in the Good of Good Practice adopted by Dartmoor NPA and provides useful guidance for those circumstances where a Planning Committee wishes to refuse an application contrary to officer advice. These are not normally applications which are referred to Authority in the Peak District as this referral process has, in practice, been restricted to resolutions to approve applications contrary to officer advice.

“The Nolan Report considered the role of officers in the planning process and concluded that “Planning Officers exist to advise Planning Committees, which are entitled to reach their own decisions, by attaching different weights to the various planning criteria which are relevant to an application”.

Officers shall give full support to the Authority's case where an appeal is made against the Authority's decision. However, planning officers shall adhere to the good practice advocated by the Royal Town Planning Institute and 'shall not make or subscribe to any statements or reports which are contrary to their own bona fide professional opinions'. The same principles shall apply to other employees who have to act in accordance with their own professional codes.

Where at a meeting of the committee a proposal to grant or refuse any application is made which in the opinion of the Director of Planning or the Monitoring Officer is not based on reasonable planning grounds, they shall seek to bring their concerns to the attention of members before a determination is made.

Where a planning officer has advised a committee that its decision is, in their professional opinion, not based on reasonable planning grounds, then that officer will not be required to give evidence on appeal, save in exceptional circumstances and having regard to any limitations imposed by the Royal Town Planning Institute's Code of Professional Conduct. Where necessary the Director of Planning will advise members that an external consultant should be used to put forward the Authority's case and members may be asked to give evidence on behalf of the Authority at any appeal”.