



# PLANNING GUIDANCE NOTES

In November 2011 the Fleet & Church Crookham Society teamed up with the Farnborough Society and the Yateley Society to present a series of Planning & Development Seminars.

The third in the series of seminars was entitled 'Challenging the Planning Process'. These guidance notes are an adaptation of the presentation and are intended to provide a brief insight into the planning process and how to influence the outcome.

(C) Fleet & Church Crookham Society.

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# Contents:

These notes cover the following topics:

- Who's who of the planning process
- Overview of the planning process
- Identifying various types of planning applications
- Overview of the decision making process
- How to prepare a response to a planning application
- Insight into developer contributions
- Insight into the appeals process
- Tips and where to obtain further help

# Who's who of planning:

- Applicant / Developer / Appellant (this is the person or organisation making the application)

## Decision Makers:

- Planning Officers, working for the Local Planning Authority (LPA)
- Planning Committee (made up of District/Ward Councillors)
- Planning Inspector (Government appointed)
- Secretary of State (Central Government)

## Consultees:

- Local residents
- Community Groups (eg Fleet & Church Crookham Society)
- Parish Council (Note: the Parish Council is only a consultee. It does not decide the application)
- Expert consultants: eg Highways Officer, Conservation Officer, English Nature, TAG Farnborough Airport, CPRE etc

# The Planning Process:

A planning application will follow the following stages until such times that permission is granted or the application is abandoned by the applicant.

- Application submitted / verified.
- Consultation (This is main opportunity for residents to influence the outcome)
- Decision by Local Planning Authority.
  - a) Delegated decision by planning officers
  - b) By Planning Committee
- Appeals Process. (covered in more detail later)

There are three types of appeal, any of which may be over ruled by the Secretary of State:

  - a) Written Representations
  - b) Informal Hearing
  - c) Public Inquiry

Note. There is no appeal process in place against granting of permission (except in exceptional circumstances of procedural failure, whereby the decision may be challenged in the High Court.)

# Types of Planning Applications:

The Planning Authority will allocate each planning application an unique number that should be quoted on any correspondence.

Eg 11/01234/FUL

**12/01234/FUL**

Year Prefix eg 2012

Sequential Serial Number

**12/01234/FUL**

Application Type (examples below)

/HOU

/FUL

/FULPP

/OUT

/RES

/MAJ

/COU

/ADV

Householder application

Full application

Full application submitted via planning portal

Outline Planning Application

Reserve matters application

Major application (normally has extended consultation timescales for comment)

Change of use

Advertising (illuminated signs)

# Key Steps

- 1) Study the planning application
- 2) Familiarise yourself with the site
- 3) Decide your stance
- 4) Look at The Local Development Plan
- 5) Commenting on the proposal
- 6) Gather support
- 7) Speaking at Committee meetings
- 8) Developer contributions
- 9) The appeals process

# 1) Study the Planning application

The application, plans, drawings, correspondence are all held on the application file.  
These are available at the Council Offices or online via the Council's website or via the UK Planning Portal website:

- [www.hart.gov.uk](http://www.hart.gov.uk) then follow the link to planning
- [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk) then follow the link to planning
- [www.ukplanning.com](http://www.ukplanning.com) then follow the link to your local authority

Always read the application document to establish what is being applied for

Remember the plan/information is prepared by or on behalf the applicant to support his/her application. Look for missing information / inconsistencies (eg missing street scene elevation). Any expert reports submitted with the application will have been commissioned by the applicant and will side in favour of the applicant's proposal. These should be studied with care to identify inconsistencies.

## 2) Become familiar with the site

- Topography and detail may not be obvious from the paper plans
- The decision may be made by people not intimately familiar with the site. (Officers, councillors, appeal inspectors, or even the Secretary of State.)
- Local knowledge is therefore important to identify issues that affect the suitability of the proposals

### 3) Decide your stance

Before commenting, think about what you are aiming to achieve. You may be wishing to stop the application altogether, but alternatively you may be supportive of a better proposal, or simply wishing to delay the granting of the application.

- Consider all likely possibilities for the site, including appeal or subsequent applications
- Decide whether to object, support, or say nothing
- Decide whether the application has an adverse impact on you or the community
- Consider and prioritise valid planning reasons to comment upon
- Bear in mind that any comments you do make are on public record and will be published on the application file for others to see.

## 4) Look at the Local Development Plan / Planning Policy

The decision will almost always be decided by the fit with Planning Policy and are therefore key to the likely outcome of the planning application. There are several types of planning policy:

- National Planning Policy – Planning Policy Guidance (PPG) / Planning Policy Statement (PPS)
- Local Planning Policy (LDP / LDF)
- Supplementary Planning Policy / guidance (SPG)

Consider your comments in the context of planning policy

Sources of information:

- National Planning Policy [www.communities.gov.uk](http://www.communities.gov.uk) (link to planning policy)
- Local Planning Policy [www.hart.gov.uk](http://www.hart.gov.uk) (link to planning policy)
- [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk) (link to planning policy)  
Local Planning Authority

Planning policy / Local Development Plans are large documents, but policies are generally indexed, simple to follow, and are supported with explanatory notes to assist their interpretation.

Eg. Extract from Hart Local Plan policy document.

Policy GEN 4:

Development proposals will be permitted where they sustain or improve the urban design qualities of towns, villages and other settlements which derive from their layout and form, scale, character or appearance, special features, or the arrangement, scale and design of buildings and spaces.

## 5) Commenting on the Planning Application

- Ensure your comments are made in time
- Clarify whether you are objecting, supporting or providing a general comment
- Comment by writing or via the Planning Portal. NB. Comments are public record
- Back up comments with relevant planning policy
- Keep comments precise
- Categorise comments/objections
- Back up comments with evidence / photos
- Consider all aspects – not just your own. – Occupant amenity etc.
- Ensure your comments are valid planning considerations and relevant to the specific application:

## 5a) Commenting on the Planning Application

Matters that can normally be taken into account:

- Local Planning Policies
- Government advice
- Previous Appeal decisions
- Traffic generation and highway safety
- The effect on the street scene or character of the area
- Size, layout and density of the buildings
- Design, appearance and materials
- Overlooking and loss of privacy
- Noise, smells and disturbance (but not from construction work)
- Ground contamination
- Conservation or loss of trees
- Adequacy of parking
- Drainage and flood risk
- Proximity to Thames Heath Special Protection Area (SPA)

## 5b) Commenting on the Planning Application

Matters that cannot normally be taken into account:

- Loss of property value
- Disturbance from construction work
- The identity or reputation of the applicant
- Loss of view
- Competition
- Moral issues
- Private issues between neighbours (rights of way, boundary disputes, deeds & covenants etc)
- Land ownership
- Need for development

# 6) Gathering Support

- **Mailshot / Contact local residents.** The Local Planning Authority will have alerted immediate neighbours and known interested parties, but the number and range of their notifications may be surprisingly limited. Do not assume therefore that people know about the application
- **Ensure residents know key points and where to obtain details of application.** Many interested parties and residents may have no previous planning experience or benefit of planning knowledge. They may not know where the plans can be viewed, or who to send comments to. Your experience and knowledge may be vital to guide them to make constructive comment.
- **Facilitate ease of communication.** Often the planning application progresses or changes at short notice. It is important that you are able to communicate this information to interested parties, and it may be quicker and more efficient if you have their email addresses or phone numbers. Note: Take care not to break data protection laws and we advise always to send emails as 'blind copy' to protect the recipient's identity. Most importantly: be polite and respect that others may not have the same point of view as yourself.
- **Contact Parish Council / Ward or District Councillors. Ensure your councillors know your point of view on the application.** Many councillors will be keen to measure the level of local opinion for or against an application. Again, respect that their view may be different from your own. Note also that members of the Development Control Committee will be unable to express their opinions on any particular application prior to the decision making meeting. To do otherwise risks being accused or 'pre-determining' their stance. It is important that they keep an open mind until they have been able to consider all the information about the proposal.
- **Contact local community groups.** Groups such as your local Residents' Association, or ourselves at the Fleet and Church Crookham Society will be experienced in planning procedure and policy. These groups will be a good source of knowledge and advice.
- **Consider a press release.** The local newspapers will normally be keen to publish articles relating to controversial planning applications, and in so doing will help to generate local awareness of the application. The editor of the newspaper is more likely to include the article if it is sent in a manner that requires little editing. We suggest sending the article in a manner that can be easily be 'copied and pasted' into the paper. Keep the article impartial, but make your viewpoint by way of providing a quote eg. Local resident, Joe Bloggs, commented that the 'The size and scale of the proposal will blight the lives of surrounding residents'. Keep any article interesting and of length suitable for publication.

## 7) Speaking at Committee meetings

Speaking at a committee meeting can be a daunting experience. Our advice is:

- Attend the previous meeting to familiarise yourself with the format, surroundings and people that are in attendance. Meetings are generally held on a monthly basis, so there is normally enough time to attend at least one previous meeting. The dates will be published on the Council's website.
- Select a speaker that can speak eloquently, and register a desire to speak as early as possible (at the time of submitting your objection letter is a good time) Normally the first person to register to speak is given the opportunity, although the Local Planning Authority will decide. If several people register to speak, the LPA will generally put them in contact with each other to decide collectively/
- Note time restraints – three minutes. Expect and prepare for interruption advising 30 seconds remaining
- Bring some support ! A packed public gallery will ensure that councillors know that there is considerable public interest in the application.

## 8) Developer Contributions

In most cases developers adding dwellings are obliged to compensate the Council for the cost of maintaining the infrastructure against the increased burden that their development brings. In most cases this forms a legal agreement between the Developer and the Council for a financial contribution for infrastructure such as Education, Highways, Leisure etc. The legal agreement is generally referred to as Section 106 contributions. (Section 106 of the Town and Country Planning Act 1990)

These are soon to be rebranded as Community Infrastructure Levy (CIL) The new reference is generally more loosely attributed and can be therefore used for specifics eg contributions to Basingstoke Canal improvement schemes if adequately defined within the LDF/Local Plan

## 9) The appeals process

Should the applicant have permission refused, he is entitled to appeal the decision. Often a developer will expect the application to be refused and the appeal simply forms the next step of the planning process. The developer will choose one of three appeals processes, although the Local Planning Authority may apply for a different type of process if they feel the selection is unsuitable. All will be dealt with by a government appointed inspector, and the Local Planning Authority will advise you if the application has been appealed. Once at the appeal stage the applicant or developer is referred to as the 'Appellant'.

### ○ Written Representations Procedure.

This is the simplest form of appeal. There is limited time for submitting written comment followed by private site visit by Inspector. Ensure you point out any aspects you would like the Inspector to note on his site visit, as you will not normally be able to attend the site visit to point them out in person. Note also that if the original application was a 'Householder' application defined by the '/HOU' suffix, the appeal will be determined without the opportunity for interested parties to have further input. The appeal inspector will however consider all the comment made at the time of the original application.

### ○ Informal Hearing Procedure.

From the appeal start date there is a limited time for submitting written comments to the Planning Inspector followed by an informal meeting chaired by the Planning Inspector Held at the Council Offices, Hotel Conference Room or Community Centre. The Appeal Inspector will listen to arguments for and against the application by interested parties, residents and representatives for the Council and the Appellant. The meeting is generally followed by a site visit either in private, or where both parties can point out features of the application.

### ○ Public Inquiry.

From the appeal start date there is a limited time for submitting written comments to the Planning Inspector followed by a formal appeal hearing. This is a very formal procedure akin to a court room. Normally both the Council and the Appellant have legal representation and it is not uncommon for either or both sides to be represented by a barrister. Any third party representation will only be allowed by application within the timetable set by the Planning Inspector. It is useful to attend the hearing. Despite not being able to have an active input, the appeal Inspector will not fail to note the level of public interest if there is a good number of people in the public gallery.

If you feel you can add specific value to the appeal, communicate with your planning officer well in advance of the appeal hearing date. In all cases, we recommend seeking additional advice, including contacting a representative of the Society. Any advice given is impartial and free.

## Do:

- Act swiftly (most parts of the process have time deadlines after which your views may not be considered)
- Research (The application itself, plans, site history and planning policy)
- Communicate (with the Planning Officers at the Council, your local councillors, residents etc)
- Seek assistance (eg from the Fleet & Church Crookham Society, Residents' Associations etc)
- Anticipate and prepare (for likely outcomes / further actions including Appeal)
- Familiarise yourself with the Planning Committee Meeting Process

## Don't:

- Under-estimate the possibilities of Appeal. For the developer it may be just part of the normal process to obtain planning permission
- Make assumptions.
- Waste time organising petitions (they carry very little weight)
- Get bogged down in detail It is more important to get your point across than explain every last detail.
- Get frustrated if your councillor does not openly endorse your objection.** Your Ward or District Councillor is obliged to keep an open mind until they have considered all aspect of the application, which is not normally until the deciding Planning Committee Meeting.

# Finally: Where to get further help:

## National Planning Policy

Dept for Communities & Local Government [www.communities.gov.uk](http://www.communities.gov.uk)

### Local Authorities:

Hart District Council [www.hart.gov.uk](http://www.hart.gov.uk)

Rushmoor Borough Council [www.rushmoor.gov.uk](http://www.rushmoor.gov.uk)

### Community Groups:

The Farnborough Society [www.thefarnboroughsociety.org.uk](http://www.thefarnboroughsociety.org.uk)

Fleet & Church Crookham Society [www.fccs.org.uk](http://www.fccs.org.uk)

The Yateley Society [www.yateleysociety.org.uk](http://www.yateleysociety.org.uk)

Fleet Pond Society [www.fleetpondsociety.org.uk](http://www.fleetpondsociety.org.uk)

### Other sources of information:

The Civic Voice [www.civicvoice.org.uk](http://www.civicvoice.org.uk)

Campaign for Protection of Rural England (CPRE): [www.planninghelp.org.uk](http://www.planninghelp.org.uk)

The Planning Portal: [www.ukplanning.com](http://www.ukplanning.com)

The Planning Inspectorate: [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

Planning Aid England: [www.rtpi.org.uk](http://www.rtpi.org.uk)