



# *Fleet & Crookham Civic Society*

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## **Planning Guidance Notes**

These notes have been prepared to assist you in the event that you are concerned about a housing or related development e.g. new housing, redevelopment of a site for housing, increased density of housing or excessive extension of an existing property. Your concerns might be about the effect on you and your property, loss of amenity, loss of privacy or increases in traffic in the vicinity. These notes cannot cover all events and cannot promise to help you gain a refusal by the local authority, but we hope they will assist you to understand how to make your concerns and objections known.

Central government sets out planning policy in documents called Planning Policy Statements (PPSs) that local authorities are expected to follow. In the case of housing the main governing PPS is PPS3. This sets out recommendations on housing numbers, density, car space provision and some amenity provisions. These documents used to be termed 'Planning Policy Guidance' (PPG). As Planning Inspectors often relied heavily on these documents, they were widely considered statements of policy rather than simply guidance.

Once a developer submits an application to develop a site, the local authority will normally notify the immediate neighbours of the application by letter and to publish it. The latter is usually done by a notice in one of the free papers, notices on council notice boards and a weekly Planning Notice sheet is available for inspection at the Civic Offices, and published on the members page of our website [www.fccs.org.uk](http://www.fccs.org.uk). generally updated each Wednesday. Community groups can ask for these notices to be sent to them by e-mail. For many developments a notice is also displayed adjacent to the application site.

Each planning application is allocated a unique reference number and it is important that you quote this in any correspondence with the local authority. The reference number is in the following format: two-digit year number/unique reference number/type code.

For example: 07/001122/FUL would be an application received in 2007 and is an application for FULL planning permission. Such an application would need to be supported by full and very detailed plans of the site as it is now and how it would look after development, architect's drawings of front, side and rear elevations, car parking and would note any trees or hedges to be lost. Large sites might also include open spaces, children's play areas and any other leisure provision.

If the application reference was 07/01122/OUT this would indicate only OUTLINE planning permission was being sought. Such an application would only be supported by an overview of the site and would have very little detail. This type of application is usually submitted either to obtain permission for the concept of a scheme (eg to seek permission in principle for an additional dwelling); or for large development sites where the developer, subsequent to receiving outline permission, would draw up a detailed Development Brief for consultation

with all interested parties. This would have been done for the large development at Railroad Heath (now called Elvetham Heath).

Other types of applications include:

/COU - Change of use. Eg. From residential to commercial

/ADV – Advertisement. Eg. For the installation of an illuminated sign.

/RES – Reserve matter application. This follows a successful Outline application which established the principle of development. The reserve matters application applies for all the fine details of the application which were not determined at the Outline application stage.

/MAJOR - Major application. Hart Council has a duty to determine applications within a given timescale (generally 8 weeks). On larger or more complex applications it will be clear from the start that the application will take longer than 8 weeks to decide. These are provided with a /major suffix to indicate that the planning process is expected to take longer. In these cases, the application form will detail whether the application is an outline or full application.

Letters that notify you of a Planning Application will give a time limit for reply. The letter will notify you of the timescale in which you should respond, although representations are normally considered up to the time when the decision is made. It is important that you submit your comments and objections in good time.

We recommend that you:

- React quickly. Delay could mean that your objections are not heard. If you can, call at the Civic Offices and examine the plans. The Council will send you copies on request, but this can be expensive. Applications, including the plans are now available from the internet. The web address is [www.ukplanning.com](http://www.ukplanning.com) Using the 'application search' facility you can find any application by road name or application number. (You are also able to raise your concerns in relation to specific applications using this site. Please remember, however, that any comments made are available to the public and will be placed on the application file, and on the application file on the UK Planning website.
- Communicate with your neighbours and others interested in the application to gain their support. Call on your neighbours and discuss your concerns. Agree on the most significant reasons for objection and make sure *everyone* mentions this in their letter. Telephone calls and petitions are nowhere near as effective as a pile of letters on a Planning Officer's desk.
- Speak to your local ward councillor about your concerns and try to gain their support. They are the people who will make the decision. Their contact details are available from [www.hart.gov.uk](http://www.hart.gov.uk), or from the reception desk at the council offices.
- Speak to the responsible planning officer (whose name would be included on the letter to you) and seek the officer's reaction to the application. Do not be deterred if the council officer is in favour of the application, it is the councillors who have the final decision.

You will need to have good planning reasons to successfully challenge a planning application. The council will let you have a list of acceptable reasons for refusal (a copy may be included in the letter advising of the application). Relate your strongest objections from the valid 'planning reasons', but do not be afraid to raise other objections if you feel they need to be considered.

Examples of 'planning reasons' for objection are:

- Loss of privacy e.g. if windows look directly into your property.
- Overlooking – e.g. windows giving a view into your rear garden.
- Loss of light – this can happen if a large extension blocks out light into windows of your property.
- Loss of trees or hedges – you cannot protect your view but you can protect trees that would screen a new property or that have an 'amenity value'; e.g. enhance the environment in which you live.
- Access difficulties and safety – e.g. narrow access road, access onto a very busy road, obstructions to emerging traffic, proximity to a school, play area or community centre.
- Adverse impact on the "street scene". E.g. the development might be completely out of keeping with style, mass and overall dimensions of existing properties or in a significantly different building design or materials.
- Increase in noise from any proposed traffic movement and particularly parking.
- Increase in the risk of flooding as a result of the development.

**Hart District Council's Planning Advisory Group.**

Fleet and Church Crookham currently have no Parish Council to comment on planning applications. For that reason the Planning Advisory Group meets each second and fourth Monday of each month as a substitute for this Parish Council function. These meetings are held at the Council Offices, Harlington Way and are normally in Committee Room 1 (2<sup>nd</sup> Floor) commencing at 7pm. These meetings are open to the public and generally public participation is encouraged to seek the views or concerns on any particular application.

Meeting days may change if there is a bank holiday or special council meeting on that Monday. If in doubt call the Civic Offices to check.

The function of the group is to form a view as to the acceptability or otherwise of the applications before them and to recommend acceptance or refusal to Planning Officers who in turn will provide a recommendation to the Planning Committee.

The group is made up of the 14 elected councillors for Fleet and Church Crookham (Two from each of the seven wards). The format is informal and no minutes are taken. The councillors consider each application and record a recommendation on each. Of the two councillors from each ward, one will be a member of the Planning Committee which will ultimately determine the application. At this early stage, the councillors will not have been presented with all the information and specialist advice from the planning officers and the applicant. For this reason, any councillor who is on the Planning Committee must keep an open mind on any application as there may be new or additional information which he or she may not be aware of until the final Planning Committee meeting. For that reason, Councillors must refrain from 'pre-determining' their opinion on an application and may even refrain from comment entirely in order that they are not excluded from expressing their opinions at the Planning meeting. Whilst this apparent lack of commitment may be alarming to residents, the Planning Committee meeting is a critical stage for any application and it is essential that the councillor is not excluded from expressing their views at this important meeting.

The plans will usually reach PAG within a week of receipt from the applicant, but later if the officers were unsatisfied with the clarity or presentation of the plans. Both applicant (or a representative) and objectors are permitted to attend these meetings and may make short comments for or against the application. Any member of the public can attend the PAG meetings whether or not they have an interest in an application under discussion. After the councillors have examined all application there is an open discussion session in which local residents can raise any concern they have over planning matters, general policy or other council matters. These are your elected councillors and are responsive to genuine matters of concern and will usually be able to offer help or advice. They will be able to put your objections to the other members of Hart Council when the application is considered at the Planning Committee.

Please note, however, that this is not the forum to seek help about an application you might personally wish to make. Personal planning matters must be discussed with the planning officers who can help you with the statutory and legal requirements.

### **Planning Committee.**

This Planning Committee (PC) meets twice per month, usually on 2<sup>nd</sup> & 3<sup>rd</sup> consecutive Wednesdays at 7 p.m. This is the body that gives the grant of permission or refusal to the vast majority of planning applications that come before the Council. The Council Officers will have examined the application and will recommend grant of permission or refusal. It is the councillors, however, who make the decision, so it is important that they are the ones who are made aware of your concerns. Members of the public can attend as observers, but cannot participate in the discussion or ask questions. Limited public participation is permitted in the form of a short statement (see below).

PC does not always have the last say. In the case of a development application that is thought to be acceptable but which contravenes Council policy (as proscribed in the Local Development Framework), the application is referred to Full Council for a final decision. It is not unknown for Full Council to overturn a decision made at PC. Full Council requires a majority vote of all elected Councillors; PC has only a selected group of Councillors (generally one from each ward).

The Council letter that advises you of a planning application will ask you to submit your objections to the Head of Environmental Services at Hart Council. If you are unable to make contact with your local councillor personally, it is a good practice to send him or her a copy of your objection. In the case of a large development, affecting a large area or several properties, it is also good practice to send a copy to the Chairman of the Planning Committee as well as to your local councillor.

Members of the public are permitted to make a short 3-minute statement about an application to be discussed at PC. Whereas PAG has no limit on the length of a public statement or discussion, PC is very strict at only 3 minutes per speaker (one in support of the application and/or one against). When there are several objectors, the PC Chairman will expect one person to speak on behalf of all objectors or supporters if a consensus view can be presented. Speakers for or against will be required to have applied in advance with the Planning Department to make representations at the meeting. Speakers will be permitted on a first come, first served basis.

The agendas of all Council meetings are available about ten days before the meeting. They are placed on display in the entrance foyer of the Council Offices. If possible try to arrange for one of the objectors to check the PC agenda for the application in which you are interested. If this is not possible, a telephone call to the Council will usually be enough to establish when a specific application is to come before PC.

A large public attendance at PC will help persuade councillors that there is significant local opposition and this will help your case. Try to persuade your neighbours to attend. Be warned, however, that PC can be a long meeting and the application in which you are interested might not be heard until late in the evening. PC meetings have been known to last more than 4 hours.

If the Officer's recommendation to the Planning committee is for acceptance, do not lose heart. This is a common situation. It is very common for the Planning Committee to vote against the officers' recommendation and indeed regularly do so.

If, despite your efforts, the Council grants permission there is not much more you can do to stop it. However you should make a note of any conditions that the Council places on the development, e.g. design, landscaping, retention of trees and hedges and position and numbers of dwellings. Developers have been known to amend plans subsequent to receiving permission and often these changes are not made known to the affected parties. If a developer exceeds the conditions, the Council can take enforcement action, but this needs to be notified to the Council early if variations are to be stopped.

If you are successful in that the Council refuses permission, this is rarely the last word. Developers have further options. These include:

- Submission of an amended plan that takes note of the objections and reason for refusal.
- Submission of a new application that might, for example, change the type of accommodation; e.g. instead of a block of flats a group of houses; or a slight reduction in the number of houses for the plot.
- Take the Council decision to appeal. The developer can appeal to the Government Office for the South East against a Council decision. The developer can claim that the decision goes against local council policy or central government policy.

Some developers will submit two identical applications for the same site. This attempts (and sometimes succeeds) in short-cutting the appeal procedure in that the developer can appeal the second application while the Council considers the first one. Often the Council does not have time to adequately assess both applications (even though they are identical they must each be considered on their own merits). The developer can appeal the second on the grounds of "non-determination" when the Council has failed to reach a decision in the allotted time. This would more often occur with larger sites (e.g. the redevelopment of Rose Farm Dairy, Fleet Road), but has been known where a site can accommodate several houses. A developer might also submit different applications for the same site. An example would be three applications for (a) 5 large detached houses, (b) two large houses and 5 small houses and (c) 10 semi-detached houses.

From the residents' point of view, all planning applications for a site must be the subject of objection, as the Council will not take the objections to one application to apply to others.

It is important to note this point. Each and every application for the development of a site is treated separately. In no case would the Council consider objections to a previous application to apply to any other.

Developers often use this serious defect in the planning procedure to "wear down" the opposition. Objectors need to be vigilant, determined and prepared to write many times and perhaps over a period of several years.

## Appeals Procedure

If you have registered objections to an application, the Council will advise you if the applicant has applied for the application to be reviewed at appeal. The letter will inform you of the address of the Planning Inspectorate at which the appeal will be heard. We recommend that you write to the Inspectorate repeating your objections, giving again all your reasons for concern at the proposed development. This might seem unnecessary, but it is important to let the Inspectorate know there is still strong local feeling and that the appeal has not weakened local opposition.

There are three types of appeal:

Written Procedure – Whereby the Planning Inspector reviews written representations of supporters and objectors to an application and often makes a site visit prior to making a decision. This process is generally for the smaller applications

Informal Hearing – This generally forms a one or two day meeting held locally whereby the Planning Inspector meets with supporters and objectors for each side to put their case. Generally there is a site visit. The Inspector will consider each side's case after the hearing has closed and will announce his decision by post within a few weeks.

Public Inquiry – This is generally for larger applications and follows a formal procedure not dissimilar to a Court Room. There is generally expert witnesses representing both sides and often one or both parties will be represented by a Solicitor or Barrister experienced in planning law. A public inquiry will again be conducted locally, but may last from as little as one day to as long as several weeks. The decision will be declared at a later date (not at the inquiry) and may even be reviewed (or over-ruled) by the Office of the Deputy Prime Minister (ODPM) – For instance: The Hitches Lane application for 220 new houses.

Irrespective of the type of appeal, the Inspector may wish to visit the site and if you are an affected neighbour might wish to view the site from your property in order to assess the impact of the proposal. You will generally not be allowed to discuss the appeal with him as this is deemed to be attempting to bias his decision.

In all but very exceptional circumstances (legal challenge being the only exception), the Appeal Inspector's decision is final and very little can be done if the inspector allows the appeal. Should he dismiss it, the appellant (applicant) can of course put in a new application for a different scheme, but on each occasion starts the planning process from the first stage at local level.

The Fleet & Crookham Civic Society will be pleased to help you in preparation of an objection. Our officers attend most meetings of PAG and are often present as observers at PC meetings. We have experience in challenging planning applications and making comment on the Local Development Framework in which government policy on housing is interpreted on a local level.

It is not possible for the Society to object to every development proposal; this would adversely affect our ability to comment constructively on the future development of Fleet and Church Crookham. We have an intense interest in the future of our two towns and our aim is to maintain and enhance the quality of life of local people whenever we can.

## Useful Contacts / Links

### Hart District Council

General Enquiries: 01252 622122  
Fax: 01252 626886  
Development Control Dept: 01252 774419  
Protected Tree Enquiries: 01252 774429

Website : [www.hart.gov.uk](http://www.hart.gov.uk)

Letters to Council Officers and Hart District Councillors can be sent to:  
Hart District Council, Civic Offices, Harlington Way, Fleet, Hampshire, GU51 4AE

Internet access to the Planning Application, Plans, Correspondence etc.

Website address: [www.ukplanning.com](http://www.ukplanning.com)

### Local Councillors

The reception desk at the Civic Offices can supply a list of local councillors giving the ward they represent, private addresses and e-mail address (if available). Details are also available from [www.hart.gov.uk](http://www.hart.gov.uk) You can also obtain a list of Council meetings with dates for the electoral year. Planning Advisory Group meetings (PAG) are not included as this is an informal forum.

### National Planning Policy

Planning Policy Statements in relation to National Planning Policy are issued and available from the Deputy Prime Minister's Office. Many of these documents are freely available to be downloaded, in Adobe Acrobat format, from <http://www.communities.gov.uk/index.asp?id=1143926> There are many documents available at this web site, covering a wide range of issues. Most documents relating to Planning Policy are listed in the section 'Planning Policy Statements' and are prefixed 'PPS...' In the event that you are interested in a proposal for a housing development, PPS3 is the policy document that details housing.

### Hart District Local Development Framework.

Hart District Local Development Framework is a wide ranging document that details how Hart Council intends to maintain national targets for the provision of the supply of new housing, and other infrastructure related policies. The Development Framework has been written particularly to meet the anticipated local housing needs for the next 20 years and replaces the previous policy statement which was known as the Local Plan. It includes details of forthcoming housing developments of notable size that it requires in order to meet the housing contribution to ensure Hampshire meets the supply targets. Additionally it contains contingency details in the event that projects are either delayed, or if the supply needs are unexpectedly increased. These contingencies are generally referred to as 'Reserve Sites'. The Development Framework is an interesting document that provides a valuable insight into the development process and the pressures that are placed on Hart Council for the need to satisfy the housing demand. The document is freely available from the Internet by downloading from [http://www.hart.gov.uk/index/environment-and-planning/planning/planning\\_policy.htm](http://www.hart.gov.uk/index/environment-and-planning/planning/planning_policy.htm)

For those members without Internet access, please contact any FCCS Committee Member in order to borrow the Society's library copy. These documents are of considerable size (50 pages plus) and regrettably the Society is therefore unable to provide a permanent distribution service.