

What is Planning

Most people come into contact with the planning system when they want to extend their house or if one of their neighbours wishes to build an extension to their property. The present planning system dates back to 1947. It provides society with a way of controlling how we use land, what we build, where we build it and what it's going to look like

Planning does not stop change but seeks to ensure that a balance is struck between the economic and social need for new houses, shops and industry and the conservation of what we value about our natural and built environment. It also seeks to ensure that new development is environmentally sustainable. This means making the best use of buildings and land for the good of everyone now whilst at the same time safeguarding the environment for the benefit and needs of our children and future generations.

National Level

The Secretary of State from the Department for Communities and Local Government has overall control of the planning system in England. The person responsible is an elected member of parliament selected by the Prime Minister. The Secretary of State's main duties include producing government policy to guide local government including Planning Policy Statement (PPS's) and circulars and considering appeals against refusal of planning permission or non-determination of an application by a Local Authority.

Regional Level

Below the national level there is a regional level of planning. The South East England Regional Assembly (SEERA) is responsible for regional planning within the South eastern geographical area and its main role is to provide a strategy to assist the Secretary of State on the formulation of the South East Plan, which provides a policy framework for all the local authorities in its area.

Local Level

Local government in the form of a Local Planning Authority (eg Southampton City Council) is responsible for the day-to-day operation of the planning system. Within metropolitan Areas such as Southampton and Portsmouth and some non-metropolitan areas planning functions are carried out by a single tier structure of local government known as a Unitary Authority. In Shire Counties such as Hampshire and other non-metropolitan areas the planning system is shared between a two-tier structure known as County Councils and Districts or Boroughs.

The Local Planning Authority's main role is to plan ahead by formulating planning policy, controlling development through determining planning applications and to act as a guardian of the local built and natural environment.

Planning Policy

Local Planning Authorities have previously prepared a plan called a Local Plan in order to establish how they propose to manage changing demands and changes in the way we live. This plan, which is prepared in consultation with the community set out a framework for planning decisions and specifies what can and cannot be built in a particular area. The Local Plan in the future will be replaced by the Local Development Framework.

Development Control

Development Control is the main way of implementing the Local Plan and seeks to control new buildings and uses that would be harmful to the public interest. Development is controlled through the submission of planning applications. For example the Council can refuse permission for an extension to your neighbour's property if it would significantly overshadow your property.

Planning can have a positive effect upon the local environment. It can make cities and towns pleasant to live and work in, keep the countryside attractive and protect interesting and old buildings.

What Happens to the Application?

When we receive your application we will check that it contains all the necessary information and the correct fee has been paid. If your application is valid it is entered onto the planning register and we will send you (or your agent if you have one) an acknowledgement letter notifying you of the target date for the decision and the planning officer who will be dealing with it. The government has assigned a target date of 8 weeks for determining most planning applications and 13 weeks for major applications. These applications are available online to look at or in Gateway where they are available up to 5.30pm Monday to Wednesday and Friday and 7pm on Thursdays.

If we require further information from you this will normally be requested within 5 working days. Your application cannot be processed until all the necessary information has been provided. Once it is complete the process is the same as above from the date we receive it.

Notifying the Public

The Council is required by law to publicise all planning applications. For minor developments such as house extensions the Council will notify by letter those neighbours who may be directly affected by the proposed development. Therefore any neighbour with an adjoining property would always be notified. Any neighbour in the vicinity that may be adversely affected may also be notified but reasons do vary and this is not common practise.

Where a proposal could have a significant impact on an area such as an application to change the use of a building to a hot food takeaway or taxi office, a site notice giving details of the proposal will be posted. A press notice may also be published in certain circumstances. All major applications will have a site notice posted and be advertised in one of the local newspapers.

Applications and plans are available for inspection at Gateway..
The public has up to 21 days from receiving a letter of notification and/or the publicising of plans to submit any comments.

Consultations

A range of other Council departments and external organisations will also be consulted on your application. The Building Control Section may be consulted to check that the proposal will not cause land drainage and building regulation problems and Highways to consider whether matters such as access and parking are acceptable. In some cases Environmental Health Officers may also be asked to comment.

Southern Water, The Environment Agency and English Heritage are amongst the statutory bodies that may be consulted on certain proposals together with local amenity bodies such as community action forums and residents associations.

At least 21 days is normally allowed for these consultees to respond.

If you wish to view any objections or comments about your proposal you should contact the Local Planning Office dealing with your application. Development Control is committed to consulting widely to ensure that the fullest consideration is given to applications, including your views as the applicant, before a final decision is made.

Assessing the Application

The Planning Officer will visit the application site to see where the proposal is planned and assess what effect it may have on the local environment.

If the forms and plans submitted do not give sufficient information for the application to be fully assessed you or your agent may be requested to supply additional information. Consultees may also request further information. Such information should be submitted quickly in order to prevent any unnecessary delays with your application.

The Planning Officer will assess the information contained in your application and any consultation responses against the relevant policies contained in the Local Plan and other material considerations such as siting, design and impact upon adjacent properties before reaching a recommendation as to whether permission should be granted for the proposal subject to conditions or refused. Therefore, even if someone has objected to your application it does not necessarily mean that your application will be recommended for refusal.

In some cases the Planning Officer will require certain aspects of your proposal to be amended before a favourable recommendation can be made and further negotiations will be undertaken with you or your agent to find possible ways of resolving any difficulties.

Who Determines My Application?

The case officer will prepare a report and recommendation, setting out all the planning considerations that are relevant to your application. In the majority of cases the decision to approve or refuse planning permission will normally be taken by a team leader who has delegated powers to act on behalf of the Council.

In all other cases the planning officer's report and recommendation is submitted to the Planning and Rights of Way Panel for consideration. Planning Panels comprise of locally elected Members and meet approximately every 4 weeks. We will notify you (or your agent) if your application is to be considered by a Planning Panel one week prior to the meeting. We will also notify anyone who may have commented on the application.

The Planning Officer's report sets out the relevant planning considerations in respect of the proposed development and includes a summary of all consultation responses received. Agendas are published 5 working days before the meeting. Panel and application file documents can be inspected at Gateway or are available online through the Meeting Papers link on the Council & Democracy page, or by following a link from the planning webpage.

The Decision Notice

After the decision has been made you or your agent (if you have one) will usually receive a decision notice within five working days. If your application has been approved with conditions we will give reasons why they are necessary. Please make sure that you read the decision notice carefully as there may be conditions attached to your permission, some of which must be complied with prior to commencing work. If your application is refused the decision notice will state the reasons why your proposal is unacceptable. If you have commented on a planning application we will notify you of the outcome. Any decision to approve is valid for three years, (unless only temporary permission was sought or granted) and work must start within this time or the permission will lapse and a new application would be required. Policies may change, therefore if the permission is not acted upon within the three years, you may not get the same decision again.

What Can I Do if My Application is Refused or I am Unhappy About the Conditions?

If your application has been refused or you are unhappy about a condition which has been imposed on your approval you can appeal to the Planning Inspectorate, an agency of central government..

You will be given information about how to appeal with your decision letter. Further information together with copies of the appeal forms can also be obtained from the Planning Inspectorates website. An appeal must be submitted within 6 months of the date of the decision notice. You can also appeal if your application has not been determined within 8 weeks.

As the appeals process can take a long time and be expensive you are advised to contact your local planning office first to find out if it is possible for you to amend your proposal in order to make it acceptable. You can re-submit your application with modified plans or generally if the scheme is broadly the same in scale as the previous one free of charge if it is within twelve months of the date of your previous decision.

The Appeal Process

There are 3 types of appeal procedure:

Written Representations - The Inspector will determine the appeal on the basis of written evidence from the applicant, the Council and any other interested parties. This will also include a site visit.

Public Inquiry - This is the most formal type of appeal procedure. Evidence is submitted to the Inspector and witnesses can be cross-examined. The proceedings are comparable to a court of law and both parties normally have legal representation.

Informal Hearing - A hearing is less formal than a public inquiry and involves a discussion of the appeal proposals, led by the Inspector. The Inspector's decision is final and there is no further opportunity to appeal except on a point of law.

The Decision – if the Inspector finds that there are insufficient grounds for the appeal, it will be dismissed and the application would need amendments and be resubmitted taking into consideration the views of the Inspectors reasons for the dismissal. If the Inspector upholds the appeal, the LPA's decision to refuse would be overturned. The Inspector would indicate the reasons why the appeal had been successful and a new decision notice issued by the Planning Inspectorate containing any conditions that would apply.

Useful Contact details:

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