

THE
HASLEMERE
SOCIETY



MAKING REPRESENTATIONS ON PLANNING APPLICATIONS

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We hope that you will find this booklet helpful and interesting. It is the result of many hours of thought, work and research by a small group of people.

For more information about the Haslemere Society and its work, you can find leaflets at various places in Haslemere, including the Educational Museum, Haslemere Hall, the Town Hall and Haslewey.

*FOR HASLEMERE
past, present and future*

www.haslemere.com/haslemeresociety

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1.INTRODUCTION.

The purpose of this document is to provide an outline description of:--

- ✚ How Waverley Borough Council and Haslemere Town Council deal with planning applications.
- ✚ How to access planning application documentation.
- ✚ How to comment upon or object to a planning application.
- ✚ How the planning appeal and planning inquiry process works.
- ✚ How to prepare for and attend a planning inquiry.

2. THE PLANNING APPROVAL / REFUSAL PROCESS

- ✚ Each planning application is given a number (eg WA / 2007 / 1234) which must be quoted in all communications.
- ✚ At the site to which an application refers a standard yellow notice must be displayed which will give the application number and date by which all comments and objections need to be made.
- ✚ Comments can be made to the Town Council and/or to Waverley Council, but it is Waverley which makes the decision, not the Town Council.
- ✚ All the documents forming the planning application can be inspected at the Waverley Borough Council (WBC) locality office at Lion Green.
- ✚ Alternatively these documents can be accessed through the following page of the WBC web site: <http://waverweb.waverley.gov.uk/live/wbc/pwl.nsf/webdisplaypubliclist?openform> or by visiting the home page www.waverley.gov.uk and clicking 'planning applications' in the top right hand corner.
 Once at the planning page, insert the planning application number (e.g. 2007 / 1234) in the reference box. This will also reveal the date by which all comments and objections must be made and the target date for WBC to determine whether the application is approved or refused.

- ✚ WBC should notify all immediate neighbours about the planning application but anyone may make comments or objections.
- ✚ Comments or objections should be made in writing to the planning dept. at WBC before the quoted date or alternatively by email using the 'on line comment' for the particular planning application on the WBC web site.
- ✚ WBC planning officers will make an assessment of each planning application having regard to legal, planning and other requirements (see Appendix 1). They then issue their report with recommendations to either approve or refuse the application to the appropriate Area Planning Committee. There are certain small types of application (small alterations, porches etc) that may be determined by the Officers under what are termed 'delegated powers' and which will not be considered by the committee.
- ✚ It should be noted that the number of objections is not a planning issue in itself - it is the quality of objections which counts for most. To be of value in influencing the Planners, the objection must rely on substantial planning grounds e.g. loss of privacy, noise, loss of amenity etc.
- ✚ Planning applications in the Haslemere area (ie.the wards of Haslemere, Haslemere East & Grayswood, Critchmere & Shottermill, Chiddingfold & Dunsfold and Hindhead) are dealt with by the Waverley Southern Area Planning Committee (SAPC). However applications for major sites or major schemes are dealt with by the Waverley Joint Planning Committee which includes representatives from all area planning committees (West, Southern, Central & East). Whether an application is to be considered as a major one by the Joint Planning Committee is determined by the Chief Executive, Chief Planning Officer and the Chairmen of the Area Planning Committees. When considering a planning application the Area Planning Committee or the Joint Planning Committee will consider the planning officer's report and recommendations, but they are not bound to accept these. Similarly, the Committee will consider the views expressed by the Haslemere Town Council Planning Committee (see Section 3.0) and all written comments and objections that have been received – but again they are not bound to follow these. However a large number of objections may carry weight and thus influence the Planning Committee members and it is therefore important to get as many people as possible to submit valid planning objections. These objections should be made individually, not collectively because it is numbers which count.
- ✚ It is generally agreed that petitions are rarely worthwhile. They lack credibility in the eyes of Planners for a number of reasons.
- ✚ If there are traffic issues you may wish to speak to Surrey CC Highways Dept. Generally they will not object to a planning application unless there are traffic safety issues but if you disagree with their views you may consider contacting the Surrey CC councillor who represents Haslemere.

- ✚ Haslemere Ward councillors who are on one of the development management committees should be made aware of your objections as they may feel that they can support these at the SAPC meetings. Their names can be obtained from the Town Hall office or on line at the following URL <http://www.haslemere.com/towncouncil/councillors.html>

- ✚ If you feel sufficiently strongly about an application you may also apply to present your views verbally to the Area Planning Committee. Meetings are invariably held in the evening. It is necessary to make such a request well in advance of the meeting. Details of how to make an application and the procedure can be obtained from WBC Planning Dept. Generally, only one person is allowed to speak for, and one against each application and only 3 minutes are permitted. The time limit is strictly enforced. The speaker may represent the views of several objectors thus necessitating some liaison well before the meeting. Opposers usually speak first and supporters second.

- ✚ Ensure that you are fully conversant with the details of the application. Be concise, limit your comments to the main points and avoid trivia which dilutes the impact of the main issues and can result in running out of time. There have to be sound planning reasons to support your case so try to quote the relevant planning policies, as set out in the Waverley Local Plan. Powers of oratory alone will not persuade the committee! You are not generally allowed to distribute papers. If you represent a group of people or an organisation you should make this clear at the outset.

- ✚ If the Officers (i.e. the Waverley Planning Dept.) have recommended an application be approved, when your objective is to get it refused, all is not necessarily lost. SAPC members can decide against approval and The Haslemere Society has in the past been able to persuade Waverley planning committee members to go against officers' recommendations.

3. THE ROLE OF THE HASLEMERE TOWN COUNCIL

- ✚ The Planning Committee of the HTC meet to consider local planning applications in advance of the Waverley Area Planning Committee meetings and dates of the HTC meetings, when particular planning applications will be considered and the names of local councillors who are on this committee can be obtained from the Town Hall office.

- ✚ The HTC Planning Committee does not have any statutory powers to approve or refuse planning applications. It can make comments on applications, state that it has no comments or express a view that an application should be refused which will be transmitted to the Southern Area Planning Committee (SAPC) for its consideration when determining an application. The SAPC may not concur with the views of HTC PC but they are bound to at least consider them.

- ✚ If you have comments or objections to a planning application to make to WBC, a copy should be sent in good time to Haslemere Town Hall for distribution to committee members for their consideration when they meet. These meetings are held in time to allow comments to be passed to the Waverley SAPC. It is also possible to make arrangements to speak at the HTC meeting to put your views to the members. This could influence their decision which is sent to Waverley.
- ✚ It is important to note that the timing of all communications to Waverley Planning Department / SAPC and to the earlier HTC meeting is critical as late submissions will not be considered.

4. PREPARATION OF COMMENTS AND OBJECTIONS

- ✚ It is important that you understand in detail what is proposed in the planning application you are commenting on. If you feel there are deficiencies / omissions / inconsistencies / inaccuracies etc in the information submitted these should be noted. It is helpful to get as many people as possible to support, individually, the comments / objections being made.
- ✚ You may not object in principle to the proposals in the planning application but wish to get certain details altered; this should be made clear.
- ✚ Avoid raising minor issues as these tend to detract from the important main points you wish to make.
- ✚ Comments and objections should relate to planning matters, as opposed to your personal view, and in this respect the Waverley Local Plan which stipulates planning policies in the borough gives much guidance. This is a large document and it can be accessed at the Locality Office or via the WBC web site.
<http://www.waverley.gov.uk/planningpolicy/localplan.asp>.
- ✚ Typical points to look at in detail are :-
 - height and size
 - how it compares in scale and design with nearby properties
 - position relative to boundaries
 - trees which would be lost
 - overlooking rooms and gardens and loss of light and privacy
 - access for all types of vehicles (removal vans, refuse trucks etc)
 - traffic generation and ability of existing roads to accommodate this.
 - car parking, turning and garaging.
 - noise generation
 - impact on nearby listed buildings and the heritage and character of the area. If the site is in a conservation area or is near a listed building then additional Planning Acts apply in order to provide more protection.

- If the property is in an Area of Outstanding Natural Beauty (AONB) or a Site of Special Scientific Interest (SSI) or area of high landscape value then special considerations will also apply
- ✚ The Waverley website gives a comprehensive list of matters which are planning issues and those which are not.
<http://www.waverley.gov.uk/devcontrol/>
- ✚ If The Haslemere Society considers that a planning application has an adverse effect on the heritage and character of the town and that it is appropriate for the Society to comment, it will make independent comments to both the HTC Planning Committee and the Waverley SAPC. On major planning applications it will also seek to gauge general public opinion.

5. THE PLANNING APPEAL / INQUIRY PROCESS

- ✚ If a planning application is refused the applicant can appeal against this. The applicant also has the right to appeal if a planning application is not determined by the Local Authority within the prescribed 8 week time limit, or if conditions are imposed which the applicant considers to be unreasonable or unnecessary. In these cases the application will be passed to the Planning Inspectorate, an independent government agency based in Bristol. Thus continuing your objections to the application will necessitate further work. A meeting with the planning officer dealing with the particular planning application to get advice on how to present your case will be useful.
- ✚ There are three types of appeal :-
 - Written representations – when the main parties (the appellant and the local authority) make their case in writing to the Planning Inspectorate.
 - An informal public hearing - where an Inspector leads the discussion and both sides present their cases without barristers.
 - A formal public inquiry - a quasi judicial procedure where expert witnesses are engaged by both sides and arguments are presented by barristers.
- ✚ A booklet is available from Waverley Planning Department 'A Guide to Taking Part in Planning Appeals'. This is free and provides a helpful explanation of the appeals procedure and how objectors can be involved.
- ✚ The appellant's grounds for appeal are published in advance of the Inquiry, as is the case prepared by the local authority.

Previously submitted comments from members of the public, individually or as societies, will be forwarded to the Inspector by the local authority. Further comments can also be made and these will be taken into account. If you wish to alter your earlier comments or make additional comments these need to be sent in writing before the stipulated date to the Planning Inspectorate in Bristol.

<http://www.planning-inspectorate.gov.uk/pins/index.htm>

As someone who has submitted comments previously you will be notified of these requirements and of the type of Inquiry to be held.

6. PREPARING FOR AND ATTENDING A PLANNING INQUIRY

Most appeals are dealt with by written representations or hearings. If the case you are interested in is to be dealt with at an Inquiry, then you have the opportunity to add to your written submissions. There are two additional steps which you may consider for the inquiry itself

- either asking the Inspector (on the first day of the inquiry) to be allowed to speak at the inquiry for a few minutes
- or requesting to be a formal part of the proceedings

Speaking as 'a member of the public' is fairly straightforward. It is often best to read from a script or draft notes. When you have finished, you may be asked questions by the Inspector or the appellant's barrister – if so, these will normally be brief.

Requesting to be a formal part of the proceedings has the advantages of being able to present detailed evidence (all to be submitted in advance) and being able to question ('cross-examine') the appellant's witnesses. But it also means being subject to a full range of questioning from the 'other side'. So your evidence must be correct. Advice should usually be sought before going down this path.

As a rule, you can only question the appellant or his expert on matters which you yourself have covered.

Whichever route you decide on, involve as many local people as you can. List their names with their signatures to show the inspector just how many you represent. This will strengthen your case.

Ensure that you have copies of both supporting and opposing evidence which has been submitted to examine in detail. The Waverley Planning Dept. should be able to assist in obtaining this.

- ✚ Draft a 'position paper' outlining the main points relevant to the case you intend to make and circulate this to the other local people whom you are involving, inviting them to comment or add to your draft. This exercise may need to be repeated perhaps more than once so it is important to start early. This could contain a commentary on the other side's evidence picking up factual inaccuracies, incorrect assumptions (e.g. that a path is suitable for the elderly or pushchairs) etc.
- ✚ Make sure you have picked up all relevant local knowledge, taken note of measurements, photographed traffic congestion, sight lines and compare such information with what is presented by the other side or shown on drawings etc. and consider/ describe the effect of the proposals (eg hedge removal) on this current state. This could reveal later any errors in the other side's evidence.
- ✚ Capitalise on the fact that you, as a resident, will almost certainly know more than the applicant about the details of the locality.
- ✚ When all the points you wish to make are finally assembled prepare your statement of evidence. This must be accurate, brief but thorough, including photographs and diagrams to present to the Inspector and capable of cross examination by barristers acting for the other side.
- ✚ It will be necessary to prepare three copies of all the documents which you intend to pass to the Inspector; two copies being for the appellants side and for the planning authority team.
- ✚ The inspector will usually visit the site, unaccompanied, before the inquiry starts and he will conduct an accompanied site visit towards the end of the inquiry. But be aware that the inspector will not have the detailed knowledge of the site that you have. He may not be able to fully appreciate the impact of what is shown on the drawings or described (eg removal of hedges, massing of proposed building) and anything you can do to help emphasise such points will help your case. However you should note that you may only point out details to which you made earlier reference and comments have to be made in the hearing of all sides.
- ✚ Decide on a strategy. Evidence which was previously submitted to the SAPC will automatically be put to the Inspector. Any further evidence you have collected should be submitted prior to the inquiry – and will thus be available to the other side. It is not a good idea to introduce new evidence at a late stage – the Inspector is likely not to accept it.
- ✚ Arrange to have an assistant present throughout the inquiry to record all points pertinent to your arguments. This puts you in a strong position when being cross questioned and to raise counter arguments.

- ✚ At the start of the Inquiry, the inspector will ask who wishes to speak. Announce your intention to speak on behalf of x no. of local residents / organisations and if it is appropriate to your strategy you can propose that for efficient use of time your paper be submitted at the beginning and that your verbal presentation will be used to highlight certain points. This will require you to make your own brief notes to assist you in making this highlighting presentation. Listen carefully to the verbal evidence and cross examination, noting any factual errors, wrong assumptions on the weight/significance given to certain factors and be prepared to raise these points when it is your turn to speak. If there are colleagues at the enquiry collect any points or views they have to add to your notes if appropriate.
- ✚ Your speech – outline the key points in your paper in more detail taking the opportunity to emphasise the strength of feeling that other local residents may have and consequences to their amenity / lifestyle etc. Explain and emphasise points on drawings which you feel the inspector may not fully appreciate and pick up on points you have noted during the inquiry. When cross examined you have every right to take time to think about your answer but be assertive and not hesitant when giving your answer. You can expect the inspector to be supportive to non professionals in this respect.

APPENDIX 1

Planning law and policy guidance used by planning officers to determine whether a planning application should be approved or refused.

- ✚ The UK planning system gives much leeway or discretion to the decision-maker. It is quite different to many of the planning systems operating in western Europe and elsewhere. The bottom line is that, by law, every planning application is to be decided in accordance with the development plan unless material considerations indicate otherwise.

- ✚ The “development” plan is:
 - The regional plan – known as the South East Plan. This is prepared by the SE England Regional Assembly and is nearing completion in 2007/8. It does not generally deal with specific sites but it does set housing targets for each local authority.
 - The Surrey Structure Plan, 2004 – this will be superseded by the South East Plan.
 - The local plan – known as the Waverley Borough Local Plan, 2002. This will be replaced in due course by a new set of plans known collectively as the Local Development Framework, but these are not likely to be approved until about 2009/10.

- ✚ “Material considerations” are not defined in law. But they include:
 - Government policy guidance – most of which is in the form of Planning Policy Statements (PPSs)
 - Countryside, ecology and heritage designations – Green Belt, Areas of Outstanding Natural Beauty (OANB), Areas of Special Scientific Interest, (SSSIs) flood risk areas, conservation areas, listed buildings. etc.
 - Surrey Design guide 2004
 - Precedent – though precedents do not have to be followed.
 - Fear of crime

APPENDIX 2

Some points to consider when preparing objections to planning applications and evidence for inquiries.

- ✚ Most legitimate concerns regarding planning applications are covered in some way by the Waverley Local Plan policies which form the basis of decisions made by the planning officers who advise the councilors who are members of the Development Management Committees. You should check your concerns against these policies as quoting the policies which the application conflicts with counts for much more than simply making subjective views. Typical and frequent matters of concern and which are generally covered by the Local Plan policies are listed below.
- ✚ Scale, size, mass, overlooking, loss of light, number of storeys, out of proportion dormer windows, roof lights to street elevations, loss of privacy or amenity. The topography of the site or area is often not depicted on the drawings and is an important consideration to be aware of.
- ✚ Loss of mature, exotic species or rare trees (check if there is a Tree Preservation Order existing). Extra protection applies to trees in Conservation Areas.
- ✚ Traffic and noise generation, parking and access road capacity, on-street parking requirements.
- ✚ Developers will reduce the ground level to disguise the height of an unacceptably tall building the roof line of which may or may not coincide with those of adjacent buildings.
- ✚ Many over-dominant aspects of proposed buildings do not respect the style of existing buildings and neighbourhoods and if listed buildings are nearby or it is in a conservation area then additional protective rules apply and you will need to refer to the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1992.
- ✚ A great buzz word in planning is 'sustainability' which originated at the 1987 UN 'Bruntlund' conference. In addition to energy conservation matters, easy access on foot to local public transport facilities, schools etc. are all factors. Sustainability can be affected by lack of footpaths, steep hills, generation of vehicular traffic etc. Professional town planners and architects often claim that a proposed development is sustainable and there may be grounds to show that this is not correct. Location plans do not include contours and in Haslemere, which is very hilly, apparent proximity to the station or other facilities could be illusory.

- ✚ The presence of a high hedge has been accepted by a planning officer as a reason to allow a building in front of a planning building line. This was successfully challenged on the basis that the hedge could be easily removed.
- ✚ Inconsistencies and mistakes in planning application documentation occur. Site boundaries are often wrong, measurements do not add up or are unachievable as are levels and ground profiles. These are difficult for lay people to pick up and careful scrutiny is required.
- ✚ Badgers, bats, toads, butterflies and other wildlife issues have provided adequate grounds for sustaining an objection but this has to be backed up by facts and expert evidence particularly in the case of an appeal.

Abbreviations

Abbreviations used throughout this paper

- ✚ (SAPC): Southern Area Planning Committee of Waverley Borough Council responsible for planning approvals
- ✚ (WBC) Waverley Borough Council
- ✚ (HTC) Haslemere Town Council
- ✚ (PPSs) Government policy guidance – most of which is in the form of Planning Policy Statements
- ✚ (AONB) Countryside, ecology and heritage designation: Areas of Outstanding Natural Beauty
- ✚ (SSIs) Countryside, ecology and heritage designation: Areas of Special Scientific Interest

Disclaimer.

The information in this note has been prepared in good faith by The Haslemere Society and recipients are at liberty to use this information on condition that The Haslemere Society does not accept any responsibility whatsoever for the correctness of this information.

Useful Contact Details

<p>Haslemere Town Council Town Hall High Street Haslemere Surrey GU27 2HG Tel: 01428 654305 Fax: 01428 658828 Email: Town Clerk clerk.htc@haslemere.com</p> <p>opening hours:</p> <p>Monday, Wednesday, Friday 10.00 am – 1.00 pm 2.00 pm - 4.00 pm All other times CLOSED</p>	<p>Haslemere Locality Office Lion Green Haslemere Surrey GU27 1JB Tel: 01428 648818 Fax No: 01428 644034 Email: hlocality@waverley.gov.uk</p> <p>Office opening hours:</p> <p>Monday - Thursday 9.00 am - 12.30 pm 1.30 pm - 5.00 pm Friday 9.00 am - 12.30 pm (Closed Friday afternoon) Saturday 9.00 am - 12 noon Sunday CLOSED</p>
<p>Waverley Borough Council The Burys Godalming, Surrey GU7 1HR www.waverley.gov.uk 01483 523333</p>	<p>The Planning Inspectorate</p> <p>Registry/Scanning Room 3/01 Kite Wing Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN enquiries@planning-inspectorate.gsi.gov.uk</p>

About the Haslemere Society

Haslemere is a market town of great charm. Its setting in the glorious Surrey Hills, an Area of Outstanding Natural Beauty, makes it a much sought after place in which to live and work. This historic town, with its good transport links, is increasingly vulnerable to pressures from developers.

The Haslemere Society, one of the oldest amenity bodies in the country, exists to protect and enhance Haslemere, nearby villages and the surrounding countryside by encouraging the interest and support of residents.

The planning of amenities and facilities are as much a concern for the Society as conservation and protection. The town is lively and dynamic and the Society does not resist change, but seeks high standards of appropriate development.

The Society has a substantial membership whose influence is highly respected. By joining the Society, you can have a say in shaping Haslemere's future. New members are always welcome, and the committee welcomes their active support and involvement.

Meetings and Social Events

The spring newsletter and the annual report in the autumn keep members informed on relevant and important matters. There are two meetings a year, one of which includes the AGM, and each with a visiting speaker on a topic of local interest. There is an annual outing by coach and a summer drinks party.

The Committee has a wide variety of expertise to call upon. It meets to comment on proposals which would have an impact on the character, heritage and amenity of the town and to discuss new initiatives. With a responsible and informed voice, it makes representations to local authorities and others, on local planning issues and other matters of concern.

Contact the Society in writing c/o The Haslemere Educational Museum, High Street, Haslemere, Surrey, GU27 2LA or visit our page on the Haslemere website www.haslemere.com/haslemeresociety