

Making Responses to Planning Applications

1. Some useful links

- **Campaign to Protect Rural England: How to respond to planning applications; An eight-step guide:** <http://www.cpre.org.uk/resources/housing-and-planning/planning/item/1903-how-to-respond-to-planning-applications>
This is a rather long 64 page document and is focused nationally - and does not include reference to the London Plan (which planning authorities in London are required to be in 'general conformity' with - and its policies can be useful to reference in responding to planning applications).
- **Friends of the Earth 'Community Rights Guide' (2014)** is generally useful, providing information on your rights 'to challenge', 'to participate' and 'to know' - https://www.foe.co.uk/campaigns/fair_future/rights_resource_pack_13669 The 'Your right to participate' section, https://www.foe.co.uk/campaigns/fair_future/resource/right_to_participate_24294 has a 14 page document that you can download called *Planning applications: a campaigners guide*.
- **CPRE Norfolk Planning Training Seminar: How to Respond to a Planning Application (published April 2016):** <https://www.youtube.com/watch?v=1P8Uyq9fQFk> This video is quite long - but the first 20 minutes are probably worth watching.
- **Planning Aid England** - <http://www.rtpi.org.uk/planning-aid/> offers planning advice and support to individuals and communities, including some bespoke support (casework) for people on low incomes and to groups or individuals who have traditionally not been involved in the planning system. Their eligibility criteria for this can be found here http://www.rtpi.org.uk/media/1897268/pae_eligibility_criteria_-_july_2015.pdf

2. Some introductory bits from the Friends of the Earth's Community Rights Guide

Is there any point getting involved? Friends of the Earth say - Yes! You have important rights to be involved in the way that local planning decisions are made. The Council must take note of your views. Local people are often accused by developers and government of being short-sighted and self-centred, but local people have a wealth of knowledge and experience to bring, which can make for better decisions.

The officer's report (from FOE). All the representations by the public along with all the other issues material to the case will be summarised in the Planning Officer's report. This can be a lengthy document which tries to lay out all the key impacts of the new development and how they relate to local (in London, London-wide) and national policy. The report will finish with a recommendation to refuse or approve the planning application. Planning officers are obliged to fairly summarise the case for and against and must reach a reasoned judgment based on the facts of the case.

The decision (from FOE): The planning committee must consider all relevant information. This is often known as information 'material' to a planning application. Despite what some planning officers say, anything which relates to the use and development of land is capable of being relevant and material to a planning decision. However, while a whole range of

issues might be relevant, from the loss of important dog-walking space to the effect on global climate change, some things are clearly going to be of 'greater weight'.

The most important thing in reaching a decision on an application is what relevant planning policy says. There is a legal presumption in favour of what is in the development plan. So, if an application for housing is proposed on a piece of land already identified for housing, it is likely to be approved. On the other hand, any application that is made which contravenes local plan policy is likely to be refused.

There are some cases where the development plan will not be the most important issue. There might be other material considerations which were not explored at the development plan stage. FOE sites an example of a particular rare species on a site which has legal protection and this might outweigh the provisions of the development plan.

It is worth remembering, that the older the plan the less 'weight' it carries and also in terms of a developing new Local Plan the further the plan has gone down the adoption process, the more relevant it is. The current situation then where the LLDC's Local Plan is not in place is quite complex.

The final decision of the planning committee is a mixture of factual technical information on local and national policy imperatives and of local political views.

3. Some key points

- (i) **Carefully read through the application and highlight exactly what you are objecting to (if you are objecting)**
- (ii) **Read the relevant planning policy relating to the issues you highlight** (whether that be on density, building heights, insufficient affordable housing or family sized homes, or lack of or insufficient green or play space or social infrastructure). *See links to policy in section 4.*
- (iii) **Find policy that supports your objections** (if you are objecting). The FOE says - you will find that local plans contain a whole range of policy which is sometimes contradictory. It is always possible to use local plan policy to support your case, particularly perhaps the sections on biodiversity and climate change. Relating your objections to local, regional and national policy gives much more force in the decision-making process.
- (iv) **Be clear, concise and concentrate on the facts. Reference the policies that the application does not adhere to.**
- (v) **Focus on the application's weakest points.**
- (vi) **Highlight any contradictions in the proposal.**
- (vii) **NB FOE says - it is also worth building links with other organisations in your community who might be concerned.**
- (viii) **If using the media or contacting other groups in the area - make sure you have got a clear message about the negative impacts the new development will have on the local community.**
- (ix) **Speak to representatives of the planning committee (particularly local politicians)**

Tip by CPRE: Visit the site so that you can build a mental picture of the development and its effects. Questions to consider could include: Are the maps up-to-date? Does the application correctly describe how the site has been used in the past? How well would the

development fit into its surroundings? How will it affect the local area? Does it meet local need? How well connected will the development be to local services such as public transport, shops and schools?

4. Looking at the relevant planning policy

- National Planning Policy Framework.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/60772/116950.pdf
- London Plan
<https://www.london.gov.uk/what-we-do/planning/london-plan/current-london-plan>
- OPDC Draft Local Plan (Regulation 18)
https://www.london.gov.uk/sites/default/files/opdc_draft_local_plan.pdf
- Old Oak and Park Royal Opportunity Area Planning Framework
<https://www.london.gov.uk/about-us/organisations-we-work/old-oak-and-park-royal-development-corporation-opdc/planning-old-oa-4>
- Hammersmith and Fulham 2011 Core strategy
<https://www.lbhf.gov.uk/planning/planning-policy/local-development-framework/core-strategy> H&F is developing a new Local Plan (NB it is currently consulting on its proposed submission Local Plan (regulation 19) - deadline for responding is 28th October 2016) <https://www.lbhf.gov.uk/planning/planning-policy/local-plan>
- Brent Local Plan Link here to Brent's 2010 core strategy.
<https://www.brent.gov.uk/localplan>
- Ealing Local Plan. Link here to Ealing's 2012 Core Strategy.
https://www.ealing.gov.uk/info/201164/local_plans