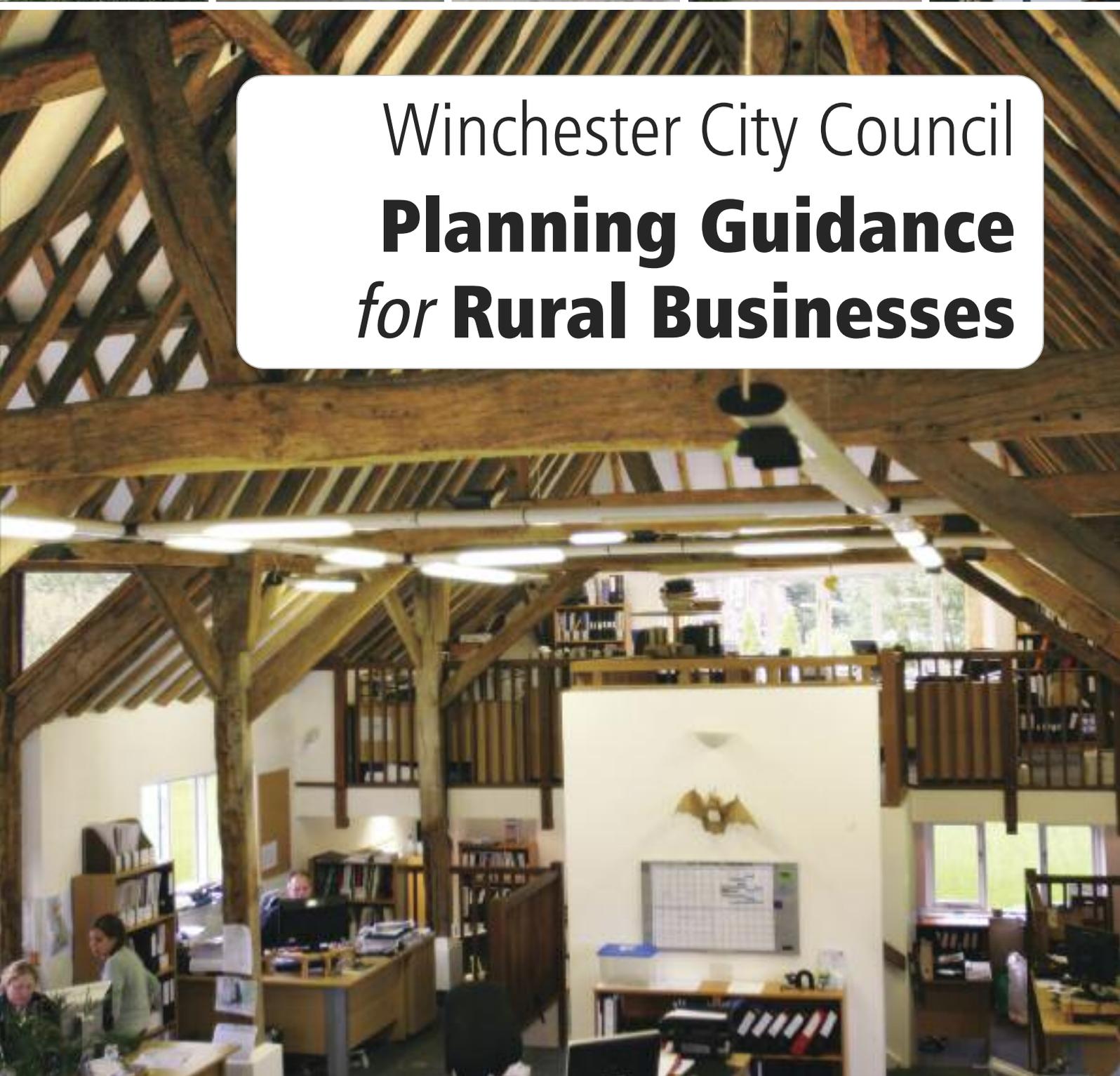




Winchester City Council **Planning Guidance** *for Rural Businesses*



revised September 2013



If you would like to receive this document in another format please contact Winchester City Council's Customer Service Centre on **01962 840 222** to discuss your requirements. Alternatively, you can request this information online.

Contents

Introduction	2
South Downs National Park	3
Planning Policy in the Winchester District	3
Do I Need a Planning Agent?	5
Should I Seek Pre-application Advice?	5
What type of Planning Application do I Need?	6
Making a Planning Application	7
How Planning Applications are Decided	7
Can I Appeal if my Planning Application is Refused?	9
What happens Once Planning Permission is Granted?	9
Where can I find Help	9

Introduction

Winchester is a large and predominantly rural district and Winchester City Council recognises the important contribution rural businesses and land owners make to the local economy and landscape of the countryside.

This guidance note is aimed primarily at rural businesses and landowners who are contemplating applying for planning permission to start a new enterprise or to further develop their existing business. Its purpose is to explain what the process will involve and how planning applications are assessed to make the experience as straight-forward as possible.

Inevitably, some applications will raise complex issues which will require detailed consideration. Whilst the Council adopts a positive approach to rural planning each application is assessed on its own merit. This means that every application will be considered on the basis of how well it fits with current planning policy so it simply isn't possible, or desirable, to support every proposal for development in the countryside.

When planning a development it is important to consider carefully timescales and we have provided information on this below. The Council recognises that the timing of schemes can be critical; for example if they are related to

seasonal activities. It is therefore prudent to submit applications well in advance of when the development is actually needed and to think about what preparations need to be made in advance of making an application. Good preparation will help to avoid delays when the application is being assessed and also once permission has been granted. The timescales given below are an indication of how long things may take but they are only a guide and should be treated as such.

We aim to decide most applications within eight weeks but this can take longer if a proposal raises issues regarding protected species, such as bats, because a specialist survey may be needed before a decision can be made.

The target for applications relating to major developments is 13 weeks. An application is a major development where, for example, it involves the creation of 1000 square metres or more of floor space or the site area exceeds 1 hectare. For some types of major proposals the Council may suggest a Planning Performance Agreement (PPA). A PPA is an agreement between the applicant and Council which sets out how both parties expect the application to be dealt with including a timescale for making a decision.





South Downs National Park

Around 40% of the Winchester District lies within the South Downs National Park and planning policy affords this area the highest level of protection.

From April 2011 the South Downs National Park Authority became responsible for planning in this part of the District. However, an agreement has been reached between the National Park Authority and Winchester City Council whereby most planning applications will be decided by the Council on behalf of the National Park Authority.

A small number of applications which are considered to be significant in National Park terms will be decided directly by the National Park Authority and not by Winchester City Council. Winchester City Council planning officers liaise closely with their colleagues at the National Park Authority and try to identify significant applications as early as possible in the process. Where appropriate, National Park officers will be involved in pre-application discussions.

‘Significant’ in this case might be a development where more than 1000 square metres of floor space is proposed or where an application is for major retail or leisure uses.

Planning Policy in the Winchester District:

Planning applications are always assessed against the prevailing planning policy and this is the starting point for the consideration of all proposals. Applications should be determined in line with policy unless there are good planning reasons to make a different decision. Policy is made at national level by Government and locally by the Council and South Downs National Park Authority.

In March 2012 the Government published the National Planning Policy Framework (NPPF) which replaced a number of Planning Policy Statements and Guidance Notes. This single document sets out its vision for the planning system and includes policies for all types of development. Councils making policies and decisions on applications at the local level need to follow the guidance in the NPPF.

Achieving sustainable development is at the heart of the NPPF and this includes promoting a prosperous rural economy. This means economic growth in the countryside which involves supporting; sustainable growth and expansion of all types of business, diversification of agriculture and other land based rural businesses, sustainable rural tourism and leisure developments and retention and development of local services and community facilities in villages. The NPPF can be viewed at: [ps://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf)

Local policy is contained within the Winchester District Local Plan Part 1 – Joint Core Strategy (LPP1) which was adopted by the Council in March 2013 and the saved policies of the Winchester District Local Plan Review 2006 (Local Plan). LPP1 sets out the Council’s strategic policies for the District up to 2031 whilst a number of Local Plan policies are still relevant and deal with more detailed issues. In due course the Council will adopt Local Plan Part 2 and it is hoped this will be in place by 2015. At this point the remaining Local Plan policies will no longer be taken into account when planning decisions are made but, until then, certain policies in the 2006 Local Plan remain in force and are referred to as “saved policies.” Policies in the 2006 Local Plan and LPP1 may be viewed online at:

<http://www.winchester.gov.uk/planning-policy/local-plan-part-1/>

Policy MTRA4 of LPP1 deals specifically with development in the countryside and supports, in principle, schemes needed for traditional land based industries

(agriculture/horticulture/forestry), or which involve the re-use of buildings for employment, tourist accommodation, community uses and affordable housing. This policy also allows for expansion of established businesses in the countryside and small scale sites for low key tourist accommodation. Existing employment premises are protected by Policy MTRA1 as there is pressure in the District to redevelop these sites for other uses particularly housing.

Policy MTRA5 relates to major commercial and educational establishments in the countryside and supports the principle of development of these sites where this will help them continue to support the local economy. Owners are encouraged to prepare master plans which identify site opportunities and constraints, promote sensitive land and building stewardship, promote sustainable development and maximise sustainable transport opportunities whilst limiting impacts on the surrounding environment and communities.

Policy CP11 seeks to ensure that all proposals minimise their carbon emissions and water consumption subject to what is practical and viable in each case. Commercial developments should currently achieve Breeam "excellent" and this will rise to "outstanding" in 2016. Residential development should achieve Code for Sustainable Homes Levels 5 for energy and 4 for water consumption. From 2016 all housing will need to meet the national standard for Zero Carbon Homes.

It is important to remember that whilst Policies MTRA 4 and 5 are intended to support the rural economy by allowing a range of development in the countryside, acceptable schemes will need to be consistent with other relevant policies in LPP1 and Local Plan and be appropriate to their site and its location.

Proposals situated in, or close to, the South Downs National Park are subject to Policy CP19 which requires development to be in keeping with the context and setting of the landscape and settlements of the Park. The emphasis is on small scale development in sustainable locations and well designed. Proposals which support the economic and social well being of the area will be encouraged provided they don't conflict with the National Park's purposes.

The Local Plan is divided into topic based chapters. Of particular importance to proposals in the countryside are policies in sections:

- 4 - Countryside and Natural Environment
- 7 - Employment
- 9 - Recreation and Tourism.

These deal with a wide range of matters relating to business and other types of development and are supportive, in principle, of equestrian development (RT.11) and certain types of tourist accommodation (R.16 to RT.18), subject to a number of criteria being met. Proposals relating to the development of new businesses, which involve the re-use of redundant buildings in the countryside, are promoted by Policy CE.17. These policies should be read in conjunction with MTRA 4 referred to above. Policies RT.12 and 13 allow for certain types leisure and sporting activities where a number of criteria can be satisfied.

In general terms new residential development in the countryside is contrary to national and local policies. However the NPPF and Local Plan policies CE.19 to CE.22 allow for housing which is essential to serve rural based businesses, such as agriculture and equestrian uses, where there is proven need for on-site accommodation which can't be satisfied by existing accommodation in the area and so long as the business has been planned or operates on a sound financial basis.

In addition to policies which relate to specific types of proposals there are a number of broader policies which cover issues which are relevant to most applications like design, landscape impact, ecology and transport.

In order to assist with the consideration of landscape issues the Council has undertaken a District-wide Landscape Character Assessment. This document reflects the importance of Winchester's landscape, both locally and nationally, and the pressures that are being placed upon it. Anyone making an application is advised to refer to its recommendations before making a planning application. For further information visit:

www.winchester.gov.uk/Housing/LandAndPremises/Landscape-CharacterAssessment/

Furthermore, as part of the Government's Localism agenda, it intends to allow rural communities to have a greater say on planning matters and parish councils will be able to make Neighbourhood Plans to promote certain types of development. For example a site could be designated for employment or leisure uses on the edge of a village providing the development did not conflict with local or national policies.

Do I need a Planning Agent?

There is no requirement for you to use an architect or a planning or other agent to submit your application. However, if you choose to make an application yourself, you need to be confident that you are able to produce the relevant scale plans and other documents required to enable the Council to validate and assess your proposal. For larger or more complex schemes it is advisable to appoint an agent. However, you may feel able to submit applications for more minor development without employing an agent.

Some applications require specialist expertise. For example, if you are hoping to convert a listed outbuilding to a commercial use, you may need advice from a surveyor regarding the condition of the structure, an ecologist regarding bats and other protected species and a conservation advisor to assess the historic significance of the building and the impact of the proposed works on its character and integrity. Some companies can cover all these areas, whilst others will know people that can provide appropriate advice for you.

You are free to choose your own agent but you may find it helpful to ask the following questions to help you select the best one for your application:

- Is the agent suitably qualified (e.g. a member of the relevant professional body such as the RTPI, RIBA, RICS)?
- Does the agent have any relevant professional experience in relation to the type of application you want to make? Are you satisfied that he/she understands your requirements, the nature of your business and proposals?
- Does the agent have local knowledge or experience of submitting applications in this District or surrounding area?
- Are there business colleagues or other associates who would be able to recommend agents who have worked successfully for them?

It is worth asking a potential agent for their CV to see whether they are suitably experienced to submit your application.

It is worth bearing in mind that, whilst employing an agent will increase the cost of your scheme at the outset, making an application which is supported by all the relevant information and is well presented will give you the best chance of securing permission and may save money in the long run.

Should I Seek Pre-application Advice?

Making a planning application is likely to entail significant costs in terms of application fees, agent charges (where applicable) and so on. It is therefore worth considering seeking advice from the Council before committing to submit an application. The Council aims to respond to pre-application enquiries within 20 or 30 working days of submission depending upon the type of enquiry.

The Council offers a pre-application service:

www.winchester.gov.uk/Housing/Planning/PlanningApplications/PlanningPre-ApplicationAdvice/

There are two options available. The first is simply to enquire about the principle of development and is useful in establishing whether there are likely to be fundamental problems with your scheme. For example, this procedure would highlight if a scheme would be contrary to national or local policies and would therefore be unlikely to receive permission.

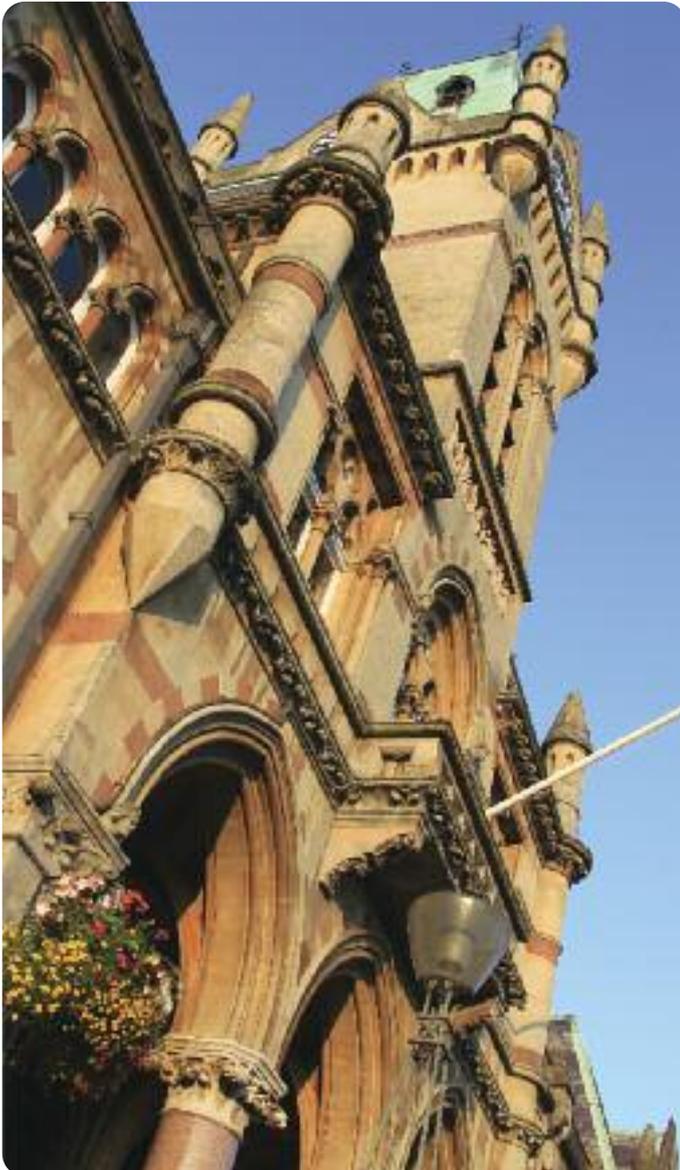
The second option involves submitting detailed proposals which would be assessed by officers and you would then receive a comprehensive response which would identify the main issues and concerns (if any). You would also be advised whether the proposal would be likely to be acceptable.

As set out on the Council's website (see above link) most pre-application advice attracts a charge but small proposals of up to 100 square metres in floor space are free at present. Whilst there will therefore be costs associated with obtaining advice at this stage it may well reduce expense and abortive work further down the line and you can make an informed judgement as to whether it is worthwhile pursuing your proposal by making a planning application.



It should be noted that whilst every effort is made to provide accurate responses to pre-application enquiries, they are the opinions of officers and the Council, and the South Downs National Park Authority where relevant, are not bound by the views expressed at this stage when a formal planning application is eventually determined.

In addition to the pre-application service the Development Management service has two Rural Planning Advisors who are able to provide a first point of contact to businesses considering making a planning application. Whilst they cannot give detailed advice in relation to specific schemes they can discuss general matters such as planning policies, application procedures and fees. They can also offer support to other planning officers dealing with applications in the rural area. They can be contacted through our Planning inbox - planning@winchester.gov.uk



What Type of Planning Application Do I Need?

There are two main types of planning application.

Outline applications:

Outline applications determine whether a particular development is acceptable in principle. If this is granted a detailed application is then submitted and this is called 'reserved matters'. Whilst outline applications do not require the same level of information as full applications, in terms of detailed plans for example, the Council still needs sufficient information to be able to assess the merits of the proposal.

Full permission:

The other type of application is for full permission and, as the name implies, these applications need to be supported by detailed plans and other documents.

In addition to outline and full applications there are other types of applications such as agricultural prior notifications which can be used for certain types of development associated with farm holdings and can include the erection of small barns, for example. Such works are referred to as "permitted development." This is a simplified process, compared to applications for full permission, but is subject to restrictions and limitations relating to the size and type of development proposed and the size of the farm holding in question. The Council still has to make a decision in these cases.

In May 2013 the Government introduced further permitted development rights which, in certain circumstances, allow office buildings to be changed to residential use and agricultural buildings to be used for a variety of purposes such as shops, cafes, and hotels. However, a number of limitations, restrictions and exemptions apply and, although full permission may not be needed, a notification to the Council and, in some cases, a simplified prior approval procedure still has to be followed. Where prior approval is needed the Council considers a number of specific planning issues identified by the Government before granting or refusing approval for the scheme.

Deciding whether a new use or building is permitted development can be quite complicated and it is therefore advisable to clarify the position with the Council and/or a professional agent before starting any works on site.

Proposals which involve works to listed buildings need listed building consent, in addition to planning permission, and the demolition of buildings in conservation areas normally requires conservation area consent. There is no additional fee for these consents.

Making a Planning Application

When a planning application is made it has to be checked to make sure it has sufficient information to be accepted (validated) so the Council can start to consider it. All applications need to include the appropriate forms, ownership certificate, fees (where applicable), and plans. Additional information may be required, such as a Design and Access Statement, and this will depend upon the type of application, the location of the site and nature of the development.

All the information needed to validate an application is included on the Council's website under the planning portal, which is called 1APP:

www.winchester.gov.uk/EnvironmentAndPlanning/Planning/PlanningApplications/

If an application is not supported by all the information required it cannot be validated and so the Council will be unable to make a decision. The Council will inform you whether your application is valid shortly after receiving it. This usually takes about 7 days but the length of time will depend on how busy the department is. If it is invalid we will explain what further information is needed to make it valid. If the information requested is not provided within 4 weeks your application will be returned.

It is strongly recommended that applicants carry out community consultation for most applications before they are submitted to the Council. This normally involves asking neighbours of the site and the local parish council what they think of your proposal. You should take on board any feedback received and it may be possible to amend the scheme before making a formal application. This process may be useful in helping people understand your plans and to reduce objections once the application is made. The level of consultation is determined by the scale of your development and details are set out on page 26 the Statement of Community Involvement:

www.winchester.gov.uk/Documents/LDF/SCI/CX0236-24334%20Statement%20of%20Community%20InvolvementJan07.pdf

How Planning Applications are Decided

The starting point when considering an application is how it relates to policy. If a proposal accords with policy it will be acceptable in principle. If it doesn't, then permission will be refused unless there are sound planning reasons to justify a departure from policy. In terms of timescales, the Government expects most applications to be determined inside either 8 or 13 weeks depending upon the scale of the development.

However, in addition to policy, there is a range of other factors which will need to be assessed such as:

- access and other transport matters like traffic and parking;
- drainage and, where applicable, flood risk;
- visual impact and affect on the landscape;
- ecology, including the impact on protected species and habitats;
- impact on neighbours in terms of noise, odours, outlook, light etc.;
- sustainability, including the building design and performance in terms of energy efficiency and water use;
- historic environment, where a development involves or affects buildings which are listed, conservation areas and archaeology.



How relevant these considerations will be in each case will depend on the type of proposal. However, where an application relates to the conversion of an old barn to offices, for example, matters like ecology (bats/owls), the structural condition and historic value of the building, traffic generation and adequacy of the access road should all be addressed in the details submitted with the application. This will help the Council to assess the application and make a decision and can speed up this process.

The Council notifies parish councils and neighbours of the application and they are given 21 days to respond. Depending on the type of application, and nature of the proposed development, a number of consultations are also carried out. This may involve other council teams, like Environmental Protection, Historic Environment, Landscape and Economic Development, or external bodies such as the Environment Agency and English Heritage.

Each application is allocated to a case officer. Once this officer has received consultation responses, visited the site, and discussed the proposal with the applicant or their agent where appropriate, they will assess the scheme's merits and make a recommendation to permit or refuse permission. It should be noted that it is not possible for the Council to negotiate with applicants on every case where there are concerns. It may be possible, in some instances, to accept amendments to a scheme to overcome problems. However, applications which require extensive changes, or which are clearly unacceptable in principle, will not be subject of negotiations and will be refused.

The application is then either determined by a senior officer under the Council's agreed delegation scheme or referred to Planning Development Control Committee or the South

Downs National Park Committee with a recommendation to permit or refuse. The committee then makes the final decision.

Applications are taken to committee for a number of reasons. For example, when requests are made by councillors and parish councils and in cases where more than 5 representations are received which are contrary to the officer's recommendation. As the planning committees of the City Council and South Downs National Park Authority meet every 4 weeks it may take slightly longer for a decision to be made on a committee application compared to an application decided under delegated powers.

Even once it is permitted a development may have conditions imposed which you are required to meet as part of the consent. These normally relate to matters such as landscaping and materials.

In most cases you would be given three years to start work on the development after which the permission would lapse.

In addition, the Council operates Open Space and Affordable Housing policies (residential developments only) and Transport policies

www.winchester.gov.uk/Documents/openSpace/2011/Introduction,%20Index,%20Guidance%20and%20Key%20o%20Maps.pdf

<http://www.winchester.gov.uk/Documents/Planning/Transport%20Contributions%20Policy.pdf>

<http://www.winchester.gov.uk/housing/housing-strategies/affordable-housing-spd-adopted-february-2008/>

These policies can involve applicants making financial contributions which are used for improving local facilities





Can I Appeal if an Application is refused?

In the event that permission is turned down, or is given with conditions attached, applicants have a right of appeal to the Secretary of State and the case will then be handled and, in most cases, decided by a Planning Inspector.

When refusing consent the Council will clearly explain the reasons for its decision on the official decision notice and, where approval is granted, its reasons for imposing any conditions. The Inspector will either agree with the Council, and dismiss the appeal or uphold the imposition of a condition, or will take the contrary view and grant permission or remove the condition in question. Timescales for appeal decisions are variable and depend upon the procedure chosen by the Planning Inspectorate and the nature of the proposal. More information is available at:

www.planningportal.gov.uk/planning/appeals/planninginspectorate/

What Happens Once Planning Permission is Granted?

Once permission has been given, either by the Council or Planning Inspector on appeal, it will often be necessary for detailed information relating to matters like external building materials and landscaping to be submitted to and approved by the Council before development begins. It is important therefore to incorporate this into your business plan as it may not be possible to commence work as soon as the permission has been issued. It can take a number of weeks for all conditions to be dealt with. As explained above some developments will also require financial contributions to be made prior to work starting.

and infrastructure or providing affordable housing units as part of the development and/or contributions which are used to finance such accommodation elsewhere in the District.

Financial contributions can either be made before permission is issued, or are subject of legal undertakings, which require contributions to be paid to the Council before works start on site. Legal agreements (section 106 agreements) and undertakings can also be used for other purposes which are specific to a particular case.

The Council is intending to introduce its Community Infrastructure Levy during 2014 in the part of the District which is outside the South Downs National Park. This will replace some contributions which are currently secured by planning obligations such as open space. However, applicants will be expected to provide necessary infrastructure on-site wherever possible and any requirements for affordable housing will still be dealt with by s106 agreements.

Where Can I find Help?

Planning Aid is a charitable organisation which gives free advice on planning matters www.rtpi.org.uk/planningaid/. This service provides fifteen minutes of free professional advice to any caller. Eligible callers may then receive further professional advice through a network of professional volunteers who give their services free of charge to individuals and groups who are unable to afford professional fees.

The Council provides a pre-application service but, in the majority of cases this will incur a charge. We also have two Rural Planning Advisors who can act as a first point of contact and they can offer general advice on planning policy and procedures (see section 6 above for contact details).

You could also discuss your proposal with the Council's Economic Development Team who can be contacted on **01962 848 563**. They will be able to offer more general information about business matters and may provide advice about how your proposals fit with wider Council policy.

If you would like to receive this leaflet in another format email planning@winchester.gov.uk or call Winchester City Council's Customer Service Centre on **01962 840 222**.

