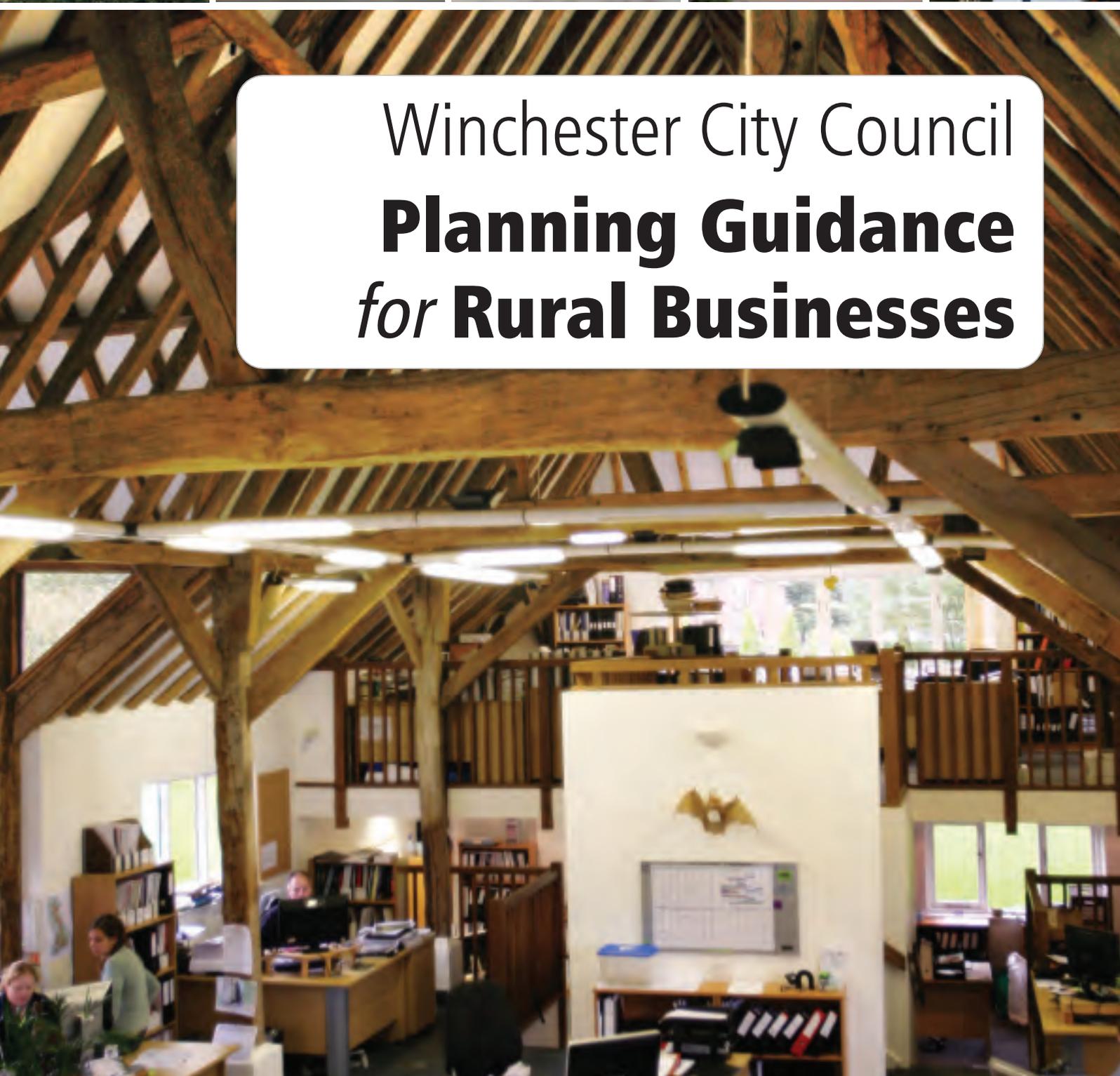




Winchester City Council **Planning Guidance** *for Rural Businesses*





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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?	6
What type of planning application do I need?	7
Making a planning application	7
How planning applications are decided	8
Can I appeal if an application is refused?	9
What happens once a planning permission is granted?	9
Where can I find help?	10

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.

These guidance notes are aimed primarily at rural businesses and land owners 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 is not possible, or desirable, to support every proposal for development in the countryside.

When planning a development it is important to carefully consider timescales and we have provided information on this in the guidance notes. 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 in the guidance notes are an indication of how long the process may take but they are only a guide and should be treated as such. We aim to make a decision on most applications within eight weeks but this can take longer if, for example, a proposal raises issues regarding protected species, such as bats, because a specialist survey may be needed before a decision can be made.





South Downs National Park

Around 40% of the Winchester District lies within the South Downs National Park. 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 nationally by the Government and locally by Winchester City Council. Currently, national policy is set out in a series of Planning Policy Guidance Notes/Statements and of particular relevance to rural issues is PPS4 Planning for Sustainable Economic Growth and PPS7 Sustainable Development in Rural Areas:

www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements

However, Government is reforming planning and in 2012 they intend to consolidate national guidance into a single document called the National Planning Policy Framework.

Local policy is contained within the Winchester District Local Plan Review 2006 (saved policies). The Council is working on its replacement – the Local Development Framework – but this will not be adopted for some time. So at present the saved policies of the 2006 Local Plan are applied to planning applications where relevant:

www.winchester.gov.uk/localplanreviewadopted2006

(continued on next page)



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 farm diversification (Policy CE.16), equestrian development (RT.11) and certain types of tourist accommodation (R.15 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 whilst CE.18 relates to proposals to develop existing businesses. Policies RT.12 and 13 allow for certain types of leisure and sporting activities where certain criteria can be satisfied.

In general terms, new residential development in the countryside is contrary to national and local policies. However, PPS7 and Local Plan policies CE.19 to CE.22 allow for essential housing 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.

Under the Council's employment policies existing business premises are protected from conversion to other uses, which, in turn, reduces employment opportunities across the District.

In addition to policies that relate to specific types of proposals, there are a number of broader policies which cover issues 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 recommendations in the Landscape Character Assessment before making a planning application. For further information visit:

www.winchester.gov.uk/characterassessment

Prior to adopting a replacement Local Plan, the Council has adopted Interim Policy Aspirations, which relate to climate change and sustainability and housing:

www.winchester.gov.uk/interimpolicyaspirations

These policies do not carry the same weight as policies in the Local Plan because they are not statutory. You would, however, still be expected to say how you had addressed these policies in your application.

There is also a regional document called the South East Plan, and its policies also apply to planning applications at the current time. The regional plan is a strategic document, so it will be of limited relevance to most minor applications. The Government has stated its intention, however, to abolish this regional tier of policy as part of its planning reforms.

Furthermore, as part of the Localism agenda, Government 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 for 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.

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 you 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/preapplicationadvice



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 is 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 after which you would receive a comprehensive response identifying 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 incurs a charge but small proposals of up to 100 square metres in floor space are free of charge at present. Therefore, whilst there will 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 making a full 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 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 Planning 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 and 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 application, 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. 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.

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/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 seven 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 four weeks your application will be returned.

It is a requirement in the Winchester District to 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 in case it is 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/statementofcommunityinvolvement

How Planning Applications are Decided

The starting point when considering an application is how it relates to policy. If a proposal is in accordance 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 eight or thirteen 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 a little more quickly.

The Council notifies parish councils and neighbours of the application and they are given 21 days to comment. 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 grant 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 the 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 end up at committee for a number of reasons, including when referral 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 four weeks it may take slightly longer for a decision to be made on a committee application compared to applications decided under delegated powers.

Even once the application has been 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 expire.

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

www.winchester.gov.uk/openspacestrategy

[www.winchester.gov.uk/
transportcontributionspolicy](http://www.winchester.gov.uk/transportcontributionspolicy)

These policies can involve applicants making financial contributions which are used for improving local facilities and infrastructure. 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 and undertakings can also be used for other purposes which are specific to a particular case.

Can I Appeal if an Application is refused?

In the event that permission is turned down, 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. The Inspector will either agree with the Council, and dismiss the appeal, or will take the contrary view and grant permission. 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](http://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.

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.

As explained above, 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 above for contact details).

You could also discuss your proposal with the Council's Economic Development Team

www.winchester.gov.uk/business 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**.

