

# A user's guide to the planning process



# A user's guide to the planning process

We know the planning process can be daunting, especially if you have not applied before.

This step-by-step guide will assist you with the how, who, what, why and when so your experience can be as smooth as possible. If you are unsure of any planning words or phrases, please use the glossary at the end of this guide to assist you.

We would always encourage you to talk to a Planning Officer at any stage to help assist in the understanding of the detail and process. The Local Planning Authority in this case is Eastleigh Borough Council (EBC). If the majority of your development site sits within the Eastleigh Borough boundary, then we are your Local Planning Authority.

If you find there is something missing from the guide that would be useful to other residents, or you have feedback on any area of this new guide, please email: [planning@eastleigh.gov.uk](mailto:planning@eastleigh.gov.uk)

*Please note: the information is accurate at the time of publishing the booklet (April 2024). As such, you are advised to look on our website for the latest information in relation to planning documents, validation requirements and application fees.*

## Getting comfortable with the five steps:

### Step 1: Is planning permission required?

Maybe your works sit under permitted development



### Step 2: Submitting a pre-application enquiry

Save time and money in the long run by getting advice early



### Step 3: Submitting a planning application

Everything you need to start an application



### Step 4: Determining the planning application

We'll guide you through step-by-step



### Step 5: Post planning application

What can you do if you get permission or not?

# Contents

## Step 1 – Is planning permission required?

page 4

- Do I need permission?
  - Permitted development - including frequently asked questions (FAQs)
  - Submit a permitted development enquiry
  - Prior approval
- 

## Step 2 – Pre-application enquiries

page 6

- Benefits of pre-application enquiries
  - Submitting pre-application enquires
- 

## Step 3 – Submitting a planning application

page 7

- How do I submit a planning application?
  - What type of planning application should I submit?
  - How much does it cost to submit a planning application?
  - What information must be submitted with a planning application?
- 

## Step 4 – The planning application process

page 10

- What is the process of determining a planning application?
  - Planning obligations
- 

## Step 5 – Post Decision

page 13

- Appeals
  - Discharge of conditions
  - How long do I have to implement the planning application?
  - How can I amend my planning permission?
- 

## Frequently Asked Questions

page 15

- Should I carry out community engagement?
  - How long will it take to determine a planning application?
  - How are planning applications assessed?
  - When do planning applications have to be determined by local area committees?
  - When/how are neighbours notified?
  - When are site notices/press notices needed?
  - What happens to my comments on the planning application?
- 

## Glossary

page 17

# Step 1 – Is planning permission required?

## Do I need permission?

[Planning permission](#) is only required if the work being carried out meets the statutory definition of 'development' (as set out within Section 55 of the Town and Country Planning Act).

### Development includes:

- Building operations (e.g. structural alterations, construction, rebuilding and some demolition)
- Engineering and mining operations (e.g. [groundworks](#))
- Changes of use of land and buildings
- Subdivision of a single dwelling house into two or more separate dwelling houses

You can find out whether your home improvement or large-scale commercial project needs planning permission by using the [Planning Portal](#) for information on [common projects](#). The Planning Portal [Interactive Guides](#) can help you to explore more.

More detailed [Technical Guidance](#) on permitted development rights for householders has also been published by the Government. In addition, a useful guide to the [Use Class Order](#) is available on the Planning Portal.

## Permitted development

Permitted development rights are set by the Government and allow certain types of development to be carried out without planning permission (subject to certain conditions in most cases).

The [General Permitted Development Order 2015](#) provides more information, explore the [Interactive Guides](#).

In some cases, permitted development rights can also be removed through conditions imposed on earlier planning permissions on a property, e.g. a restrictive planning condition, which is placed upon planning approvals and can be found on the Decision Notice attached to the approval. It is advisable for you to check any planning permissions that have been granted for your property and obtain copies of the Decision Notices to ensure that your permitted development rights are intact and proposed use has not been restricted before you commence any works.

There may be other constraints affecting your property which could reduce or remove permitted development rights, e.g. if you are located in a Conservation Area or your property is a listed building.

## FAQs

### Q: Can I run my business from home?

A: You may require planning permission to run a business from your home. You should submit a [Lawful Development Certificate](#) for this to be formally considered as each case is different. You should include as much detail as possible regarding the proposed business – for example, what the business is, opening hours, number of staff, whether you have clients or customers coming to the house and what type of machinery/equipment you will be using (if any).

### Q: Can I convert my garage?

A: It may be possible to convert your garage under permitted development. Firstly, you should check if your permitted development rights are intact, and that there are no specific restrictive planning conditions relating to the garage use or removing these rights. It would then be advisable to check the householder [Technical Guidance](#) to see if you comply with the [permitted development](#) criteria – Class A will be applicable for attached garages, and Class E for detached garages. For formal confirmation you should submit a [Certificate of Lawfulness](#). If you are intending to convert your garage for business use, it will normally require planning permission and you should apply for a change of use using a full planning application.

### **Q: Can I build an [annexe](#) in my garden?**

A: Annexes are typically occupied by members of the family, visiting friends and carers whose main occupation is to care for the occupant(s) of the main dwelling house; critically the use still relies on the main dwelling house for key activities. An annexe that will be occupied independently (including by a family member, renting it out or a holiday let) will require planning permission. You cannot build a new outbuilding in the garden of a house for use as an annexe under permitted development. If you are unsure about what can and can't be carried out, you should submit a Certificate of Lawfulness to formally confirm this.

### **Q: How can I use my caravan on my property?**

A: Independent residential occupation of a caravan/mobile home always requires planning permission but use of a caravan or mobile home as an annexe may not require planning permission if it is: within the [domestic curtilage](#) of a [dwelling house](#); its use is entirely [ancillary/incidental](#) to the residential occupation of the main dwelling house.

During construction, the temporary stationing of a caravan on site would need to be for persons involved in the works and not just the owner of the land/dwelling. If you are involved in a build, you can have a caravan on site for the duration that the build takes place; removing and restoring the land once the build has been completed. You must ensure that no associated works that might otherwise require planning permission (such as provision of a hard standing for the caravan) are carried out.

### **Q: Do I need permission for my dropped kerb?**

A: If you would like to drop your kerb, you will only usually need to apply for planning permission if this would create a new vehicular access and is also on a classified road (A, B or C) - check what class your road is by using the [Hampshire County Council Maintained Road Map](#). You do require planning permission if you're in a Conservation Area and would need to remove a gate/wall/fence that is over one-metre high. Once planning permission is approved or if you're located on an unclassified road, then you will need to apply to drop your kerb through [Hampshire County Council](#) as the highway authority.

## **Submit a permitted development enquiry**

If you are unsure, please seek an opinion from our Planning team to establish if the proposed work requires a formal planning application. It is important to establish if planning permission is needed at the start of the project as this will prevent issues further down the line.

[Submit a pre-application enquiry](#) (this incurs a fee)

[Permitted development enquiries](#) are dealt with by the Planning Technicians and you can usually expect to receive a response within 28 days of receipt of the fee. The Technicians are also able to provide guidance on when signage, listed building or Conservation Area consents are required, which are covered under separate legislation to planning applications. Should you require guidance on tree works then visit the [Council's tree services web page](#) and contact the [team](#).

## **Prior approval**

In some cases, the [General Permitted Development Order](#) allows for particular types of development but requires a [prior notification application](#) to be submitted to EBC to assess certain aspects of the development. The issues to be considered often include issues such as flood risk, contamination, and highways.

In order to qualify for the prior approval route, the development needs to meet all of the requirements set out within that section of the [General Permitted Development Order](#) and prior approval needs to be given by EBC before the development commences. It sets out timescales by which EBC must decide the application and if these timescales are exceeded (without an agreed extension) then the development automatically receives consent.

## Step 2 – Pre-application enquiries

For developments that require planning permission, it is strongly recommended that a pre-application enquiry (this incurs a fee) is submitted to the Planning team.

The level of advice you receive will be based on the submitted information and the more information provided the more comprehensive the advice will be.

### Benefits of pre-application enquiries

A pre-application enquiry will provide input from a Planning Officer at an early stage in the development process. The advice will provide a good indication of whether the development is likely to be granted planning permission, it provides:

- Informal, without prejudice, views of a Planning Officer
- Identification of any areas in your proposal that may need to be amended or resolved prior to submission
- Clarity on the planning policies and adopted guidance that are relevant to your proposal and receive advice on how these are applied to an application
- Establishing the planning history of the proposal site and any planning constraints that will need to be considered
- Guidance on planning obligations to mitigate the impact of the development
- Receiving advice on any consultation you should conduct before submission
- Identification of information that is required to be submitted with the application
- Increase your overall chances of submitting a valid planning application

The key thing about pre-application advice is that it is likely to reduce the risk, costs and time involved in submitting a planning application and increases the chances of a successful application.

All pre-application enquires are assigned to a Planning Officer, and they are usually responsible for dealing with the subsequent planning application. The Planning Officer will make every effort to provide detailed pre-application advice based on the information available at the time. However, their advice is given in good faith, to the best of their ability, and without prejudice to the formal planning application. Whilst the outcome of any application cannot be guaranteed, schemes where pre-application advice is followed and where effective community involvement has taken place are less likely to be delayed or refused.

### How long does a pre-application take?

For smaller schemes, the Planning team aims to provide written correspondence on the development within 28 days of the pre-application fee being paid. For larger schemes, a meeting or series of meetings are also provided within the pre-application fee and may involve other specialists. The Planning Officer assigned to the pre-application will keep you updated on the progress of the application. Depending on the scale and complexity of the development, it can take significant time to resolve issues and often require a series of negotiations involving various consultees. You are advised to allow in plenty of time for the pre-application process and engagement with the planning department at a very early stage in the development process. This can often save time and money later on.

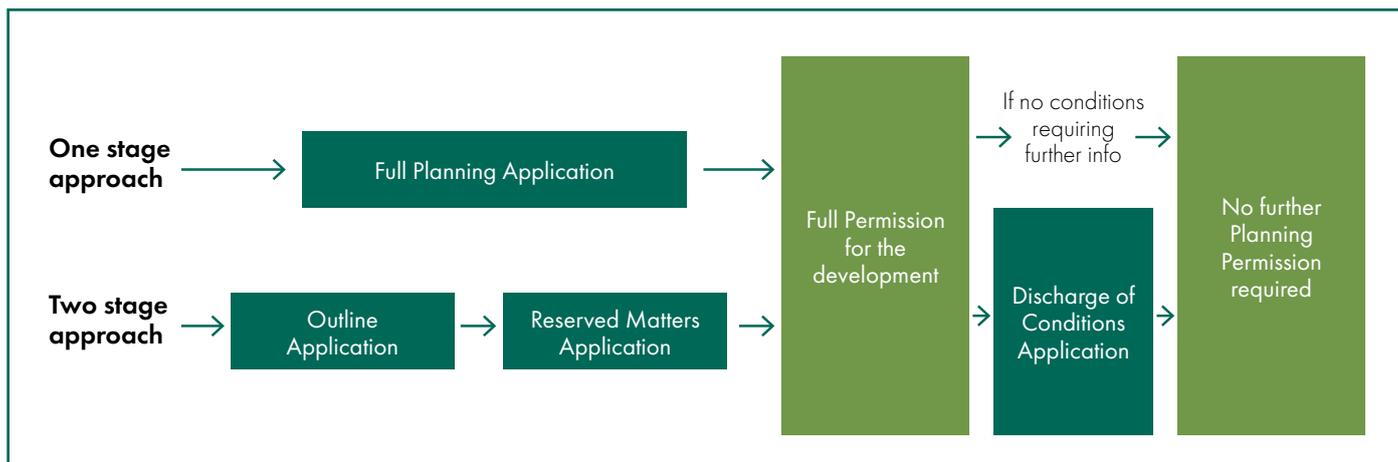
# Step 3 – Submitting a Planning Application

## How do I submit a planning application?

It is recommended that all planning applications are submitted online through the [Planning Portal](#) (which incurs an additional fee) as this will guide you through the correct application form and provide the necessary information. You are also able to submit paper copies or use alternative electronic formats, but this may cause delays in validating your application.

## What Type of Planning Application Should I Submit?

Depending on what is it you are proposing, you will need to submit a different type of application:



## One-stage approach

### Householder

Householder planning applications provide a simplified process for proposals to alter or enlarge a single house (but not a flat), including works within the boundary/garden. If not covered by permitted development, then a householder application is often used for development including: extensions, conservatories, loft conversions, dormer windows, garages/outbuildings, walls/fences and porches.

### Full planning application

A full planning application considers all matters and results in a decision on both the principle of the development and the detailed proposals of how a site will be developed. A full planning application is the most common type of application (for non-householder schemes) and is recommended for schemes where all of the details of the development are available.

## Two-stage approach

### Outline planning application

The purpose of an outline planning application is to determine whether the principle of the proposed development would be acceptable before further detail is put forward, although it is still recommended that an indicative site plan is provided to suggest how the site could be developed. This type of permission is usually for larger or more complex schemes such as major housing developments.

As well as establishing the principle of development, the outline application may also consider one or more of the five reserved matters listed below:

- **Access** – the accessibility to and within the site, for vehicles, cycles and pedestrians in terms of the positioning and type of access and circulation routes and how these fit into the surrounding access network.
- **Appearance** – the aspects of a building or place within the development which determine the visual impression the building or place makes, including the external built form of the development, its architecture, materials, decoration, lighting, colour and texture.
- **Landscaping** – the treatment of land (other than buildings) for the purpose of enhancing or protecting the amenities of the site and the area in which it is situated and includes: (a) screening by fences, walls or other means; (b) the planting of trees, hedges, shrubs or grass; (c) the formation of banks, terraces or other earthworks; (d) the laying out or provision of gardens, courts, squares, water features, sculpture or public art; and (e) the provision of other amenity features.
- **Layout** – the way in which buildings, routes and open spaces within the development are provided, situated, and orientated in relation to each other, and to buildings and spaces outside the development.
- **Scale** – the height, width and length of each building proposed within the development in relation to its surroundings.

Developments that affect the setting of a listed building or sit within a Conservation Area may require additional details to be submitted. In these cases, an outline application may not be acceptable and instead it is recommended that full permission is applied for. If no matters are submitted (all [matters reserved](#)) and it is deemed that there is insufficient information to make an assessment, then some matters could be requested within one-month (beginning with the date of the receipt of the application) as stated in [Article 3 of The Town and Country Planning \(General Development Procedure\) Order 1995](#).

## Reserved matters application

Following approval of an outline application, one or more reserved matters applications will need to be submitted to EBC until all of the matters have been approved. The development then has the same status as a full planning application, and providing there are no compliance conditions no further engagement is required with EBC to proceed with the approved development.

Applications for the approval of reserved matters must be made within a specified time-limit, normally three years from the date the outline planning permission was granted.

## Hybrid applications

In some cases, it is useful to submit a hybrid application. This is where an outline planning application is submitted for the whole site to establish the principle of development and alongside this a full planning application is submitted to approve all the details for one smaller part of the scheme. It is recommended that you discuss the different options with a Planning Officer to establish whether a hybrid application is suitable for the development.

## How much does it cost to submit a planning application?

Planning application fees vary between different application types. For an up-to-date fee schedule, please visit the [Planning Portal fees page](#).

The fee should be paid at the time the application is submitted and the correct fee needs to have been received before the application can be validated.

## What Information should I submit with the planning application?

National legislation sets out the level of information that must be submitted with a planning application for it to be validated. It also allows EBC to set their own local requirements. The full list of the validation requirements is set out within Eastleigh Borough Council's [local list](#) for validation of planning applications, and also has a Householder [Validation Criteria Guidance](#).

**In order for an application to be validated, all of the following information needs to be submitted:**

- Completed application form (including [ownership certificate](#) and [agricultural land declaration](#))
- Correct application fee
- A location plan with the site outlined in red with at least two road names at a scale of 1:1250
- Proposed site plan, at scale 1:500 or 1:200, showing the development in place
- All relevant existing and proposed plans and drawings (including elevations and floor plans)
- Any additional requirements specified on the Council's local list
- A nitrates budget and mitigation details for all developments resulting in a net increase in dwellings or providing overnight accommodation
- Design and access statement (for major applications, listed buildings, new dwellings within Conservation Areas or buildings with a floor space of 100m<sup>2</sup> or more within Conservation Areas)
- A fire statement (for residential accommodation where the building is 18m or more in height or contains seven or more storeys.)

**For most planning applications, the following plans and drawings also need to be submitted:**

- Existing and proposed site plans, scale 1:200 or 1:500 (for details see [page 12](#))
- Existing and proposed elevations, scale 1:50 or 1:100
- Existing and proposed floor plans, scale 1:50 or 1:100.
- Section drawings where any proposal involves a change in levels or is on a sloping site.  
The drawings should include finished floor levels, scale 1:50 or 1:100
- Existing and proposed roof plans scale 1:50 or 1:100.

The plans and drawings required depend on the nature of the planning application. For example, if the application involves a change of use without any external alterations, then it will not be necessary to provide elevational drawings, sections, or roof plans.

If an outline application is submitted then it is often not necessary to provide detailed plans and drawings, although an indicative layout and details are always useful. The exact requirements depend upon the matters being considered under the outline application.

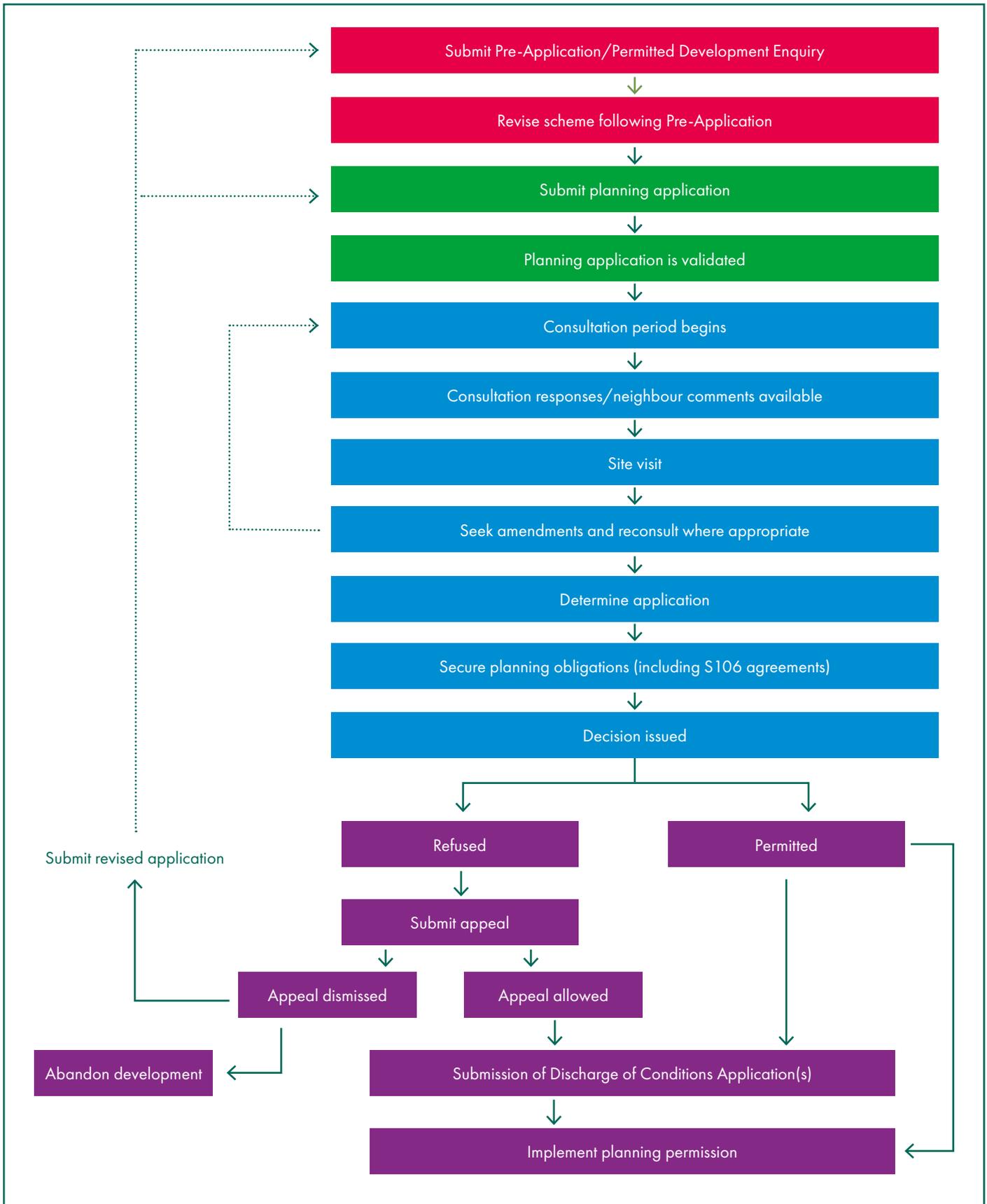
## **Discharge of condition applications**

See page 13 ([Discharge of condition applications section in Step 5](#))

# Step 4 – The Planning Application Process

## Determining planning applications

The diagram below shows the stages for a development in the planning process, including Stages One (red) and Two (green) explained in this guide previously.



## Pre-application/ Permitted development enquiry

See page 6

## Submit Planning application

See page 7

## Validation

Once an application is received, it will be considered by our Planning Technician team to assess if this is 'valid'. One of the Planning Technicians will contact you, or your agent, via email to confirm whether the application is valid or whether further information has to be submitted. Once an application is valid it will be given a statutory determination date and all of the details will appear on the Council's planning website.

## Consultation period

Once a planning application has been validated, the consultation period begins. At the start of the consultation period, EBC will email internal (Trees team) and external consultees (Environment Agency) for their views on the application and will also write to all neighbours that adjoin and/or are opposite the site.

There are also instances where the Council is required to put up a site notice and advertise in a local paper (in Conservation Areas, when affecting listed buildings or a public right of way).

The minimum required consultation period is 21 days, but this can sometimes be extended if the Planning Officer thinks this is required or if it is requested by [statutory consultees](#).

## Site visit

The Planning Officer will carry out a site visit in order to understand the features of the site and its surroundings. For larger or more complex applications it may be necessary to carry out a series of site visits with various consultees. If access needs to be arranged, then the Planning Officer will contact you beforehand.

## Amendments/ re-consultation

The Planning Officer will usually contact you, or your agent, should the scheme need to be amended or further reports be required following the consultation period. Depending on the scale of the changes, it may be necessary to carry out a further consultation period or seek further advice from consultees and neighbours.

## Determining the application

At this stage, the Planning Officer will have formulated a view as to whether the application is acceptable and will have assessed the application against planning policies. They will then put together a report explaining how the issues have been considered, why the recommendation has been reached and write a list of conditions or reasons for refusal. This process should take eight weeks for minor applications and 13 weeks for major applications. In the case of [delegated decisions](#), this information is then passed to a manager or senior colleague who will review and sign off the recommendation. The final decision letter can be accessed on our [Planning Portal](#).

For some planning applications (approx. 5%) the decision will need to be taken by the relevant [Local Area Committee \(LAC\)](#). In which case the Planning Officer will prepare a more extensive report and then present the development at the relevant LAC meeting. Members will then make the decision on whether to grant planning permission.

For complex schemes it is recommended that these are first presented to members at one of the LAC's team briefings. The scheme will usually be presented by the agent or architect and provides the opportunity for members to ask them questions and make suggestions before the formal committee meeting. Your Planning Officer will liaise with the Local Area Manager on dates for the team meeting and you will be invited to the meeting.

## Decision issued

Once the application has been determined, and any planning obligations completed, then the decision will be issued. The [decision notice](#) will be emailed to you or your agent, any neighbours who have made a representation, and will also appear on the Council's Planning Portal along with the report.

## Permission

If planning permission has been granted, then you will need to carefully check the planning conditions on the decision notice to confirm if any further technical information needs to be approved through a discharge of condition application ([page 13](#)) and to ensure that the development is carried out in accordance with the conditions.

## Refusal

If the application is refused, then you are advised to review the reasons for refusal which are set out on the decision notice. These reasons are expanded upon within the report which can be found on the Council's Planning Portal. In some cases, it is possible to overcome reasons for refusal by amending the scheme and resubmitting a new planning application or pre-application (should further advice be required from a Planning Officer). In other cases, where the principle of development is not acceptable or you do not wish to amend the scheme, then you have the choice of submitting an appeal ([page 15](#)) or abandoning the development altogether.

## Planning obligations

A [section 106 agreement](#) is a legal agreement that runs with the land and is used to mitigate the impacts caused by the proposed development. A section 106 agreement is usually required for major applications, or those applications with site specific issues, and covers obligations that cannot be secured through planning conditions. [Planning obligations](#) can take the form of financial contributions; physical infrastructure work; dealing with the transfer or future maintenance of land or have clauses to tackle site specific issues.

If your application requires a section 106 agreement, then you will be contacted by your Planning Officer with specific details. For major applications it is strongly recommended that a pre-application is submitted so that the legal requirements (sometimes referred to as 'heads of terms') can be agreed before moving onto the planning application stage. Once the planning application is submitted and heads of terms agreed then the Council's Legal team will be instructed to draft the agreement. The legal agreement can take a long time to complete, especially where there are a number of interested parties, and it must be signed and completed before the final planning permission is issued.

Where financial contributions are the only planning obligation required then an upfront payment can be made instead of entering into a legal agreement. An upfront payment is the most common method used to secure mitigation for smaller developments (such as for new dwellings that need to provide mitigation towards extra nitrates and increased recreational disturbance on the special protection area). Your Planning team will inform you of the contributions required, and if you wish to make an upfront payment then an invoice will be sent towards the end of the process once EBC intends to grant planning permission. Please note that this invoice will need to be paid before the final planning permission is issued.

# Step 5 - Post decision

## Appeal

An appeal can be submitted on a non-determined application, a refused application or a disputed condition and is submitted through [Gov.uk](https://www.gov.uk). The planning appeal will be managed and determined by the Planning Inspectorate who are a government body covering all of England and Wales.

If the appeal is allowed, then you have permission to undertake the development, but will still need to comply with the planning conditions (and any compliance conditions) which are set out in the appeal decision.

If the appeal is dismissed, then the only choices remaining is to submit a new revised planning application or to abandon the development altogether.

## Discharge of condition applications

Conditions can cover a wide range of technical issues such as trees, ecology, contamination, highways, sustainability, landscaping etc. The conditions will set out what technical information needs to be approved and the stage in the development process that the information has to be approved by.

If conditions requiring further information are imposed on the planning permission, then these technical details will need to be approved through one or more discharge of condition applications (one application can include multiple conditions for discharge if appropriate). These conditions are usually identified through phrases such as “no development shall commence until ...” or “the development shall not be occupied until” and will require specific details to be “submitted to and approved in writing by EBC.”

The Planning Officer will seek the applicant’s written permission if they intend to impose [pre-commencement planning conditions](#). However, post-commencement conditions do not require the applicant’s agreement prior to imposing them (e.g. details to be submitted before the damp proof course or prior to first use). This is detailed in [The Town and Country Planning \(Pre-commencement Conditions\) Regulations 2018](#).

Please be aware that failure to accord with the approved details, or failure to submit the discharge of condition application within the correct timescale, can invalidate the planning application or lead to enforcement action.

## How long do I have to implement the planning application?

If you are unsure whether the planning permission has been commenced within the required timescales, please contact our Planning team for advice. It is not possible to extend the time limits for commencing a development and if these are missed then a new planning application will be required.

Planning permissions need to be commenced within three years of the date that the decision is issued. For a change of use, this is at the point when the new use commences. For most building works, implementation is at the point where the footings have started to be dug. If the planning permission encompasses lots of different elements, then only one part of the development needs to be implemented within the three-year time limit. Once a planning permission has been implemented then there is no time limit for completing the building work.

## How can I amend my planning permission?

Depending on the scale of the change(s), the development can either be amended through a non-material amendment, a variation of condition application or a new planning application.

## Non-material amendments (NMA)

NMAs are for minor changes to the existing planning permission where the impact of the change is no greater than the development already permitted e.g. making an extension smaller or reducing the size of a window. This process is sometimes referred to as a Section 96A application.

The NMA needs to be submitted with the fee paid and a plan showing the proposed changes. You will then receive a letter back from the Planning Officer to confirm whether the change has been accepted as a NMA, usually within 28 days of submission.

There is no statutory definition of 'non-material'. This is because it is so dependent on the context of the overall scheme what may be non-material in one context may be [material](#) in another.

It is a matter for EBC to decide, based on the individual circumstances of the case.

More than one application for a NMA can be applied for on the same form and for a single fee payment.

A NMA can be made to conditions to allow new conditions to be imposed, or existing conditions to be removed or altered.

NMA applications can only be made to planning permissions, not to listed building or Conservation Area consents.

It is for EBC to determine who needs to be consulted on the application. If there is a need to consult specialists, the proposed changes may not be non-material.

It is the applicants responsibility to notify anyone who owns the land which would be affected by the NMA or, where the land consists of an agricultural holding or the tenant of that holding.

If it is considered that the proposed change is a material change, the application must be refused. If refused, this means that a variation of condition application ([S73 application](#)) or new full/ householder planning application is required.

## Variation of condition application (S73 application)

Sometimes after an application has been determined, it becomes necessary to amend or remove certain conditions that have been placed on the decision notice. Proof will have to be submitted that the conditions are no longer relevant or reasonable. This could be for many reasons such as amending the plan numbers or altering the time frame in which information is required by. These amendments are then assessed by Planning Officers and if acceptable, a new decision notice will be issued with all original conditions, plus any changes that have been requested or are deemed necessary; additional conditions can also be placed on the decision as a result. This then gives you a new decision notice to work from that should include the changes you requested, if deemed acceptable. These types of S73 applications can also be refused. However, regardless of the outcome of an application for removal or variation of condition the original planning permission will remain.

## A new planning application

A proposal that needs to alter the planning description or change the red site line on the location plan will constitute a new development and therefore a fresh planning application will need to be submitted.

# Frequently Asked Questions

## Should I carry out community engagement?

Community involvement is an essential element of planning a development ([Statement of Community Involvement](#)). Where a significant or major development is proposed, it is strongly advised that applicants contact the local community, interest groups and the local Councillors for the area prior to submitting a planning application.

The applicant should make it clear in all correspondence/exhibitions that the community engagement undertaken by the applicant will be separate to the publicity and consultation undertaken by EBC upon submission of a planning application.

## How long will it take to determine a planning application?

The statutory time period for determining most planning applications are eight weeks from the date the valid application was received (or in the case of invalid applications, the date from when all the outstanding information is received). The statutory time periods rise to 13 weeks for major applications and 16 weeks for an [Environmental Impact Assessment](#) development.

It is often necessary to agree an extension to the statutory determination period if further information or amendments are required to address planning issues, especially when these require additional consultations to take place. Most council planning applications need to be determined by members at a [Local Area Committee](#), these only happen at certain times of the year and can cause additional delays. It is therefore advisable to aim for a set committee date at the project planning stage and build in plenty of extra time to resolve any planning issues.

Your Planning Officer will be able to advise you of the progress of the planning application. If the application is likely to go over its statutory determination date, then you will often be emailed to agree an extension via a [Planning Performance Extension](#). For large scale major developments, a formal legal agreement may be required via a [Planning Performance Agreement](#). This agreement sets out target dates for each part of the planning application process and what additional resources need to be funded by the applicant to reach these targets.

## How are planning applications assessed?

Planning applications are primarily assessed against the policies set out within the development plan, [Eastleigh Borough Council Local Plan \(2016-2036\)](#), and the [Hampshire Minerals and Waste Plan \(2013\)](#).

Further guidance on these planning policies is set out within a range of [Quality Places Supplementary Planning Document \(SPD\)](#), such as Quality Places, Residential Parking Standards and various character area/Conservation Area appraisals..

Planning decisions also need to consider other material considerations, the most notable being national policy (set out within the [National Planning Policy Framework](#)), previous planning decisions, appeal decisions and case law.

## When do planning applications have to be determined by Local Area Committees?

The scheme of delegation, contained within the [Eastleigh Borough Council's constitution](#), (Appendix C - Functions relating to planning and development matters) set out the circumstances when planning applications must be determined by Local Area Committees (LAC).

Local Councillors have the ability to request applications to be determined by the LAC within the initial 21-day consultation period. In addition, all LAC Chairs and Councillors with portfolios have the ability to request applications are determined at the relevant LAC meeting during the entire timeframe of the application. Controversial applications and applications the Director of Planning and Environment or Planning Manager consider appropriate could also be determined by the relevant LAC. In addition, schemes submitted by or on behalf of the Council are determined by the LAC.

## When/how are neighbours notified?

After a EBC has received a planning application, it will undertake a period of consultation where views on the proposed development can be expressed. This is detailed in [article 15 of the Development Management Procedure Order](#). The formal consultation period will normally last for 21 days, and the EBC will identify and consult a number of different groups.

EBC will send letters in the post to the immediate neighbours potentially impacted by the proposed development. In some cases, a site/press notice may also be publicised.

## When are site notices/press notices needed?

A site or press notice is required when the application is a major development (as defined in [Article 2 of the Development Management Procedure Order](#)), is subject to an Environmental Impact Assessment; is not in accordance with the development plan (Local Plan); which would affect a Public Right of Way; is related to affects the setting of a listed building or its curtilage; and/or is within the Conservation Area.

## What happens to my comments on the planning application?

Any comment submitted as part of a planning consideration is publicly available. Information such as name, phone number and email address can be redacted before comments are published online. However, the address of the person making the comment is not redacted as this is key to understanding the comment and assessing the person making the comment for [Interested Person Status](#).

In addition, all representations are considered for appropriateness before placing them on public record/ the Planning Portal. We use discretion to redact any comment or information that is considers to be inflammatory or offensive.

It is a statutory requirement to maintain a register of planning applications, which includes any comments submitted as part of the application consultation process.

# Glossary

## **Ancillary**

Essential purpose that is supplementary to but supports the main house.

## **Annexe**

A building or space joined to or associated with a main house, providing additional accommodation for dependant relatives.

## **Certificate of Lawfulness**

Confirmation that the proposed development or use of land is lawful and does not need a planning application.

## **Decision notice**

A letter that details the outcome of the planning application, including either conditions for an approval or reasons for refusal.

## **Domestic Curtilage**

The land immediately surrounding a house and can include buildings or structures, set out by a boundary within which a homeowner can have a reasonable expectation of privacy.

## **Dwelling house**

A house used for a residential purpose.

## **Environmental Impact Assessment**

Separate legislation that specifically covers the environmental consequences of an application.

## **General Permitted Development Order**

Legislation that sets out circumstances where planning permission is not required for certain types of development.

## **Groundworks**

Work to prepare the ground for construction.

## **Hampshire Minerals and Waste Plan**

Hampshire County Council document for development associated with mineral extraction and waste provision.

## **Incidental**

Non-essential purpose that is in addition to the main house.

## **Interested Person Status**

This status can be granted to someone who has a legitimate planning concern, lives within 20m of the application site and whether the land they own or occupy would be impacted by the development.

## **Material**

A factor that is considered big/important/noticeable enough that it would require assessment or consultation.

## **Matters reserved**

The topics that were not addressed in full during the original outline application. These could include access, appearance, landscaping, layout and/or scale.

## **Ownership certificate**

A section of the application form where the ownership status is completed by the applicant regarding the section of land relating to the planning application.

## **Permitted development**

Development/building work that does not need planning permission.

## **Planning Performance Agreement**

EBC and applicants agree timescales, actions and resources for handling an application. It should cover the pre-application and application stages but may also extend through to the post-application stage.

## **Planning Performance Extension**

An agreement between EBC and the applicant to extend the determination period of the application.

## **Planning permission**

Formal agreement from EBC for the erection/alteration of buildings, change of a use of land, engineering/excavation works or similar development.

## **Pre-commencement planning conditions**

A term of an allowed permission that requires more information to be submitted to and approved by EBC before work can start on site.

## **Statutory consultees**

A person, team or organisation that needs to give their opinion on a planning application before the application can reach a decision.