

Residents' Views Vindicated as Case Against Application Strengthens

A meeting between Try Homes and the Hounslow Planning Department took place recently. We do not yet have precise details but residents should feel that their views about the proposed development have been vindicated. Some of the information may seem confusing at first so it is important to try to be clear about the developing situation.

Three main points came out of the meeting:

- (1) Try Homes has indicated that is likely to appeal to the Planning Inspectors because their application has not been dealt with in the required 13 weeks;
- (2) Hounslow must nevertheless continue with its determination process (even though late) and come to a decision on the application;
- (3) Try Homes has also indicated that it is likely to put in a second application to develop the Campion House site.

Let's consider each of these in turn to try to be as clear as possible.

First point. When developers apply to develop a site they must *submit* certain papers. There is an initial process to check that the papers are *valid*. Once the papers have been validated the clock is set from the date the papers were received (not from the date of validation). Applications should be either accepted or refused within thirteen weeks of receipt of a valid application.

If the authority fails to reach a decision within thirteen weeks (as in this case) then the developer has

the right to appeal to the Planning Inspectorate on grounds of **non-determination**. If Try Homes decide to do so in this case, with such a poor application, that would be an aggressive means of trying to exert pressure.

Second point. The authority must go ahead with its planning meetings to reach a decision on the application. If they did not then the developer could possibly get it *approved by default*.

If Hounslow were to approve the application then Try Homes would obviously withdraw its appeal.

If, on the other hand, Hounslow refuses the application then it will have to defend that refusal at the appeal. Currently there is no basis for such a defence. That basis will only be established if the **Sustainable Development Committee** refuses that application at its meeting of the 13th November. What is crucial for any such refusal is that councillors and planners agree on robust grounds at the meeting.

Third point. Whilst still pursuing its original application in the manner described above it

Planning Process Basics

1. The developer submits an application
2. The planners check that the application is valid.
3. Once found to be valid a 13-week determination clock is set from the submission date.

seems reasonable to assume that the possibility of a second Try Homes application is a recognition of the quantity and quality of the residential objections to current application. There would not be much point to a second application unless it were to be a serious attempt to meet the objections. However, we will judge the second application on its merits, when we see it.

The First Planning Meeting will be on 12th October

The Try Homes' application was originally expected to be considered by the **Isleworth and Brentford Area Committee (IBAC)** on 17th August. The planners were unable to produce a report for that meeting so it was decided to go to the **IBAC** meeting of 14th September. Further problems have now meant that it will go to the **IBAC** meeting on **Thursday 12th October**. It is very unlikely that there will be any further postponements.

The meetings. **IBAC** meetings are held in the

Brentford Free Church in Boston Manor Road (map overleaf) so, if you think you can get to it make a note of the time and place (the meetings begin at 7.30).

IBAC is an area committee and will only be asked to comment on the application not to determine acceptance/refusal. That decision will be made by the subsequent meeting of the **Sustainable Development Committee (SDC)** which will be held at the Civic Centre at 7.30 on **Monday 13th November**.

Why Submit Two Applications Simultaneously?

It is not unknown for a developer to submit a 2nd application even when there is doubt about acceptance of the 1st. If the 1st application is refused then the developer might wish to appeal against the refusal. This process can take many months.

From a purely commercial point of view it makes sense to start the 2nd process before the 1st has been completed. On the other hand, having had the failings of their application clearly demonstrated, less aggressive developers would withdraw the first

application rather than go to appeal.

We can take some satisfaction from the fact that Try Homes is not confident of its current application being accepted. This will be good news for those who tend to think that it is all a "done deal".

We will have to treat the second application as a separate process and judge it on its merits. We have written to **Try Homes** to say that residents will expect to be consulted on the 2nd application and that we would like to contribute ideas early on in the design process.

More Planning Basics

1. Applications go to the **Isleworth & Brentford Area Committee (IBAC)** for comment. This is important since the councillors on the committee are the ones with the best knowledge of the area.
2. The application then goes to the **Sustainable Development Committee (SDC)** for a decision to be made.
3. If the decision is not made by the **SDC** within thirteen weeks of the receipt of the application then the applicant can appeal on grounds of non-determination.
4. If the application is refused by the **SDC** and the applicant thinks the refusal is unjustified then they can appeal against the decision to the **Planning Inspectorate**.

The Planning Inspectorate is run by the **Department of Communities and Local Government** (formerly the **Office of the Deputy Prime Minister**).

If you wrote a letter ...

About 150 residents wrote letters of objection – and very good letters they were too.

Those who sent letters should be informed in writing about the **IBAC** meeting in October and the **SDC** meeting in November. They should also be informed in writing if the applicant appeals to the **Planning Inspectorate**. Even so it will probably be a good idea to keep tabs on events via this **Newsletter**.

And if you didn't – you still can!

If you didn't get round to writing a letter of objection then the delays explained in this **Newsletter** mean that you still have a chance. If you would like to help to move the total up from 150 to 200 letters then *please* do so. If you want any help with points to include or even with writing the letter then *please* contact us. We suggest that if you are going to write a letter you do so in the next three weeks.

FENCE APPLICATION REFUSED!

Try Homes put up the fence, along the front of the site, without seeking the planning permission that was required. This is not an encouraging sign in terms of willingness to observe the rules of the game. Councillors and residents objected.

On being told by the **Planning Department** that permission was required the developer put in a 'retrospective' application. As we write we have just had news that the Try Homes application to erect the fence has been refused. Let's see how long it takes Try Homes to comply with the refusal. This may also test the Council's enforcement powers.

CAMPION CONCERN'S ACTIONS

We have been extremely busy in the last month or so compiling papers to send to councillors, sending copies to the planners, reading planning documents and so on. We gave all the councillors on **IBAC** a detailed 'black book' containing fifty pages of analysis of the **Try Homes** application.

In our view all the support papers for the application

were seriously flawed in terms of both the data provided and the arguments using that data. We have now followed this up with a four-page summary of our main objections to the application (let us know if you want a copy). We hope that this will help to provide a solid basis for an eventual refusal.

IBAC meetings are in the Brentford Free Church

