

The Practical Implications of the NPPF?

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THE NPPF...



HOUSING AND GROWTH...



THE NPPF

- Para 214 and 215: Implementation
- Para 49: Presumption in favour of sustainable development; policies not up-to-date where no 5 years HLS;
- Para 47: 5% or 20% buffer;
- Para 14: Consideration of comparative merits, benefits and dis-benefits
- Para 7: Definition of sustainable development



ASSESSMENT OF CONFORMITY

- Does the plan positively seek opportunities to meet the development needs of the area?
- Does the plan meet the objectively assessed needs, with sufficient flexibility to adapt to rapid change?
- Do you have policies which reflect the principles of the presumption in favour of sustainable development?



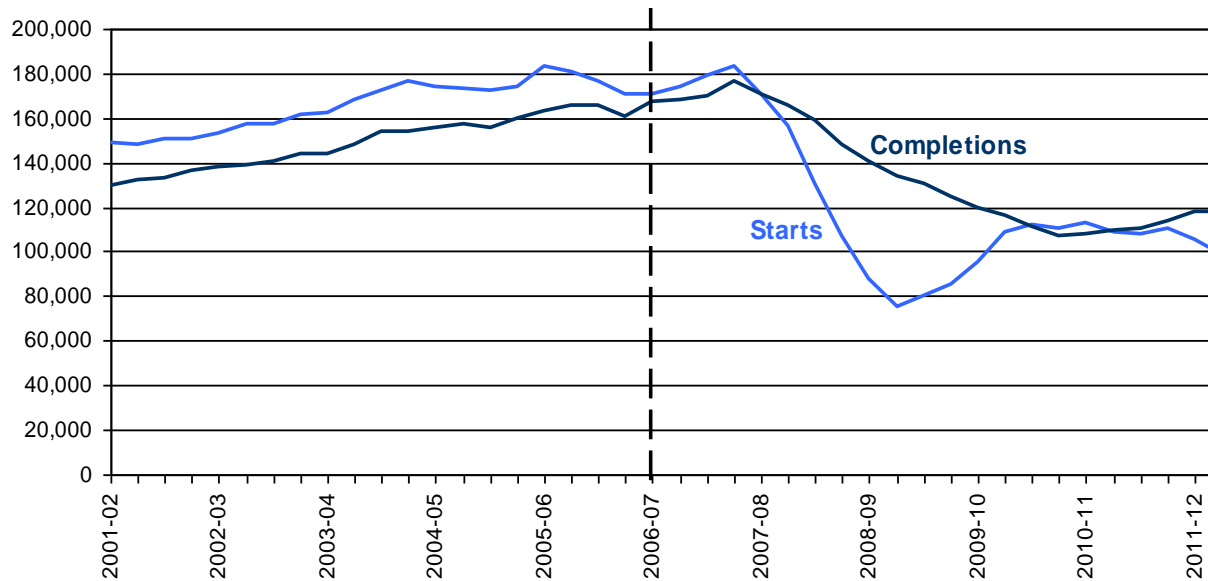
SIX KEY TOPIC AREAS

- Weight to be attached to pre and post 2004 plans
- Sustainable Development
- Localism
- Prematurity
- Benefits and Dis-benefits
- 5 Year Housing Land Supply
- 5% and 20% buffer



WHERE ARE WE?

Trends in starts and completions, England,
12 month rolling totals



WEIGHT TO BE ATTACHED TO PRE AND POST 2004 PLANS?

- RSS
- Para 215 of the NPPF
- Stage they have reached



INTERPRETATIONS OF SUSTAINABLE DEVELOPMENT

Adderbury, Cherwell

“I am not satisfied that the approach to the development of the appeal site as shown by the design and access statement and illustrative Masterplan represents the basis of good design here and, light of the advice in paras 7 and 56 of the Framework, I may not be able to conclude that the proposals would constitute sustainable development”. (para 277)

APP/C3105/A/2168102



INTERPRETATIONS OF SUSTAINABLE DEVELOPMENT

Honeybourne, Worcestershire

“Whether the advantages are “significantly and demonstrably” outweighed by the benefits. This can be tested by reference to the 3 dimensions to sustainable development”. (para 43)

APP/H1840/A/12/2171339



LOCALISM



PREMATURITY



PREMATURITY

Chapel-en-le-Frith

- “The stage reached by any currently emerging development plan;
- The size and relative scale and significance of the proposed development.
- The question of scale and significance is to be judged in the context of the individual planning authority, its housing requirement, strategy and local circumstances” (para 19)

APP/H1033/A/11/2159038



PREMATURITY DOES SIZE MATTER?

Costessy, Norfolk

“The 62 houses would provide real homes for real people and there is nothing in national or local planning policy to say that a development must be over a certain size before it can be deemed as significant.”



PREMATURITY

Lytham St Annes, Lancs

“Intentions could be no more than speculation with no evidence that St Annes would not continue to be the principle focus for housing development in the future”.

APP/M2325/A/09/2103453



COMPARATIVE MERITS : BENEFITS V DIS-BENEFITS



COMPARATIVE MERITS : BENEFITS V DIS-BENEFITS

Marston Green, Solihull

“..future decision makers will still be obliged, as am I, to undertake a careful balancing exercise of all the other relevant considerations.”

APP/Q4625/A/11/2157515



CALCULATION OF FIVE YEAR LAND SUPPLY



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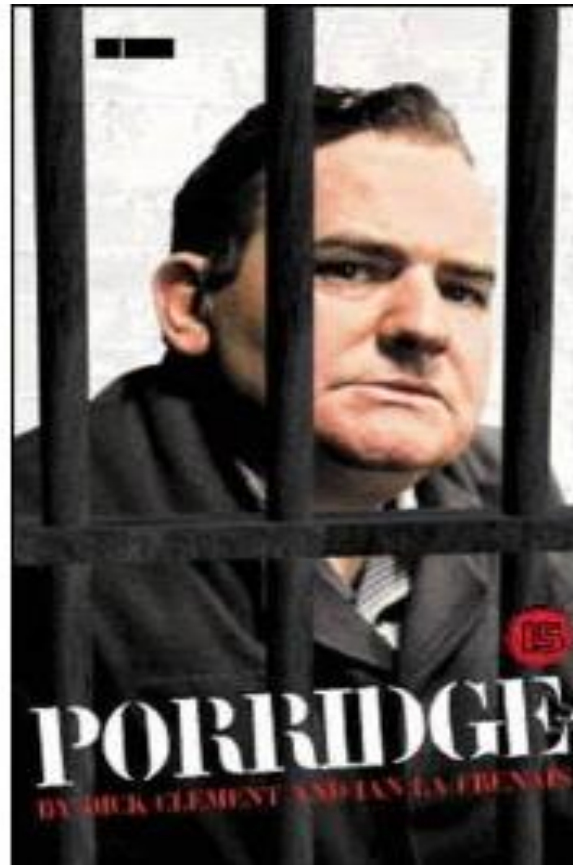
Honeybourne, Worcestershire

In my view, it is inconsistent with Planning for Growth and the NPPF (Para 47) to meet any housing shortfall by spreading it over the whole of the plan period... If the buffers are brought forward into the first five years as in the NPPF, so should the shortfall."

APP/H1840/A/12/2171339



5% & 20% BUFFERS: HABITUAL OFFENDERS



NOT JUST THE NPPF...

- Pre-determination – any benefit?
- RSS – revocation?



NOT JUST THE NPPF...

Lytham St Annes, Lancs

“The SoS considers that the revocation of RSS’s has come a step closer following the enactment of the Localism Act on 15 November 2011. However, until such time as the NW RS is formally revoked by Order, he has attributed little weight to the proposed revocation in determining these cases” (para 10).

APP/M2325/A/09/2103453



EVERYONE HAPPY?



KEY LESSONS...

- Identify key benefits and deliverables – what is the harm of not giving permission now?
- Demonstrate consistency with key strategic themes and approach?
- Review competitors and alternatives
- Have a technically compliant scheme
- Size does matter!
- Consult and engage;



THANK YOU

