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The New National Planning Policy Framework



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In December 2023, the Government published a revised new National Planning Policy Framework (NPPF). This sets out the Government's planning policies for England and how these should be applied.

The focus of the NPPF is on housing delivery, but it does include several other provisions. The NPPF policies should be given significant weight in planning decisions and in plan-making.

Nearly 80% of local authorities have an out-of-date local plan. Where there is no local plan policy or the local plan (usually a local plan dating from pre-2004) is in conflict with the NPPF, then the current NPPF policies should take priority and carry the greater weight.

Furthermore, the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states in respect of prior approval decisions, such as under Class MA (commercial to residential conversions) that, to the extent prior approval engages a specific issue or policy consideration (e.g. transport, flooding, noise), "then a local planning authority must have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application."

Therefore, what the NPPF states matters a great deal in planning decisions.

Plan-making

The NPPF emphasises that preparing and maintaining up-to-date locally prepare



plans (Local Plans, Neighbourhood Plans etc) is a priority, and providing for sufficient housing and other development in a sustainable manner is a main objective of this.

Greater protection is proposed for Neighbourhood Plans in the NPPF where proposed housing development conflicts with the Plan. This foreshadows new legislative provisions in the Levelling Up and Regeneration Act 2023 that seek to convey 'development plan' status on Neighbourhood Plans, which would see them given greater weight in decision-making (the implementation

date of this part of the Act is yet to be confirmed).

Local authorities are also encouraged to develop their own Local Design Codes, in line with the National Model Design Code, in order to promote beautiful and well-designed places.

Where new and emerging local plans reach Pre-Submission version after the 19th September 2024, then the former version of the NPPF (2021) will apply. Plans that reach pre-submission consultation on or before this date will be subject to the policies of the new NPPF 2023.

Housing Need

The NPPF confirms that the standard method for calculating housing need in a local authority is an advisory starting point but adds that exceptional circumstances will be required for using an alternative method.

Local authorities with an up-to-date local plan will no longer need to continually show a five-year housing land supply. Furthermore, local authorities no longer need to retain a 5% or 10% buffer for housing land supply calculations - unless there is a history of under-delivery of housing, in which case a 20% buffer may be applied. In particular, if over the previous 3 years, housing delivery in a Borough falls, then the following will happen:

Falls below 95% of need: an action plan needs to be produced;

Falls below 85% of need: a buffer of 20% is added to the land supply requirement and an action plan is required; and,

Falls below 75% of need: the presumption in favour of sustainable development applies in addition to 20% buffer and action plan.

Local authorities will also no longer be required to review or change their Green Belt boundaries when local plans are being prepared or updated. Instead, local authorities can elect to review Green Boundaries in 'exceptional circumstances' with changes made through the plan-making process.

The Government has since issued further guidance on Green Belt planning policies, indicating where brownfield

development can be located, so long as it does not harm the openness of the Green Belt.

Housing need figures locally will need to specifically evaluate the housing need for older people and retirement or 'later life' living. This provision places greater significance on this part of the housing sector, of encouragement to retirement-living providers.

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Affordable Housing

The Government has replaced all references for 'entry level' housing exception sites (i.e. predominantly for first-time buyers) with community-led developments, or similar. Such development can include development led by town and parish councils.

Density of Development

The NPPF endorses increases in density on sites in towns and city centres and upwards extensions to some degree. However, this so-called "Urban Uplift", prioritising

development on brownfield land, is watered-down by an indication to local planning authorities in the NPPF that such development does not need to be permitted if it results in the increased density being wholly out of character with the existing area.

Energy Efficiency

The NPPF emphasises that significant weight should be given to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic.

Conclusion

With advisory targets, the urban uplift watering down, and no need to review boundaries to the Green Belt, there are significant concerns that the Government is truly committed to increasing housing supply and housing choice. Labour, on the other hand, have been indicating that they might look to loosen constraints on building in the Green Belt.

It is therefore unsurprising that the new NPPF has been branded a "NIMBY's charter" by the House Builders' Federation and The Times has taken things a step further, calling it "a death warrant for a party with precious little to offer the hard-working young".

On the whole, the key revisions in the NPPF feel rather under-whelming and lack a sense of urgency and boldness to deliver the houses we need at the rate that we need them, and to help to break through some of the blockages in the planning system. **PIN**

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