

IMPLEMENTING THE NATIONAL PLANNING POLICY FRAMEWORK: WHAT IS HAPPENING ON THE GROUND AND WHAT NEEDS TO BE DONE ABOUT IT

A briefing by the Campaign to Protect Rural England (CPRE), March 2013

Over the past year, the Campaign to Protect Rural England (CPRE) has monitored how the NPPF is being implemented on the ground in policies in new Local Plans, and in major planning application and appeal decisions. Our recent report *Countryside Promises, Planning Realities* sets out our initial findings. It examines a number of decisions which are likely to have damaging consequences for the countryside and raises fears that there will be many more over the coming weeks. When it was issued on 27 March 2012, the NPPF allowed 12 months for local plans to be updated before its flawed new policies on housing development are given full force. But only 52% of all local authorities have plans (ie. adopted since 2004) in place and almost all of these are not fully consistent with the NPPF. Only 7% of all local authorities have adopted plans since the NPPF was published. This paper summarises the consequences of our findings, addresses the Government's response, and outlines what needs to be done to avoid further damaging planning decisions.

CPRE's analysis and the Government's response

Countryside Promises, Planning Realities has raised deep concerns that major housing development on greenfield sites in the open countryside is being allowed unnecessarily, and often by appeal against local authority refusal. A particular issue is the prominence given by decision makers to the NPPF policies requiring a 'five year supply' of sites deemed to be 'deliverable' for new housing. Planning Minister Nick Boles has said that only if such a supply exists would local councils 'get to make the decisions' on where new development is located¹. Our report has shown that the emphasis on 'deliverability' has undermined local plans where development of allocated sites, often brownfield, has stalled.

The Government has disputed CPRE's analysis, saying that the cases are not representative. The cases we cite are well known across the planning community, however, as cases where particularly critical issues of principle in the NPPF have been explored in detail. They have been covered in the specialist planning press and are cited as precedents. Ministers and Inspectors act in a 'quasi-judicial' capacity when deciding planning appeals and such decisions are often scrutinised by planning professionals just as legal professionals examine key court judgments. Ministers have also highlighted reports of increased levels of new housing given planning permission: according to Glenigan, in the 11 months to the end of February, 124,957 homes were given planning permission in England, up from 100,266 the year before. But our report shows increasing concerns that many of these new houses may be coming at an unnecessary environmental impact.

The cases we examined are just the tip of the iceberg

Moreover, it is becoming clear that the 20 cases we covered are the mere tip of the iceberg. In the week since CPRE issued the report, and before the 27 March end of the 'transitional period' for local plans, we have become aware of the following additional cases that demonstrate the pressure on local authorities to grant planning permission for development on greenfield sites: Bath and North East Somerset (Farmborough), 38 houses; Gloucestershire (Bourton in the Water, 148 houses, and Stow in the Wold, 160 houses; both in the Cotswold AONB and considered by committee in March 2013); Kent (Tunbridge

¹ 'Minister's war on the countryside', Daily Telegraph 22 March 2013.

Wells), 45 dwellings; Lincolnshire (Stamford), 400 dwellings; Norfolk (near Norwich), 175 dwellings; and Wiltshire (Malmesbury), 180 dwellings, initially granted on appeal on 18 March but subsequently withdrawn as Planning Minister Nick Boles announced that he would 'recover' (or call in) the appeal for Ministerial determination.

This is in addition to three current cases that we mentioned in the report, in Lancashire, Somerset and Wiltshire (further details in the report), where a decision is awaited and the NPPF policies on five year land supply is expected to be a prominent influence. In particular, Nick Boles' handling of the Malmesbury case will be keenly awaited.

Most planning applications are decided by local authorities. Of the 2,300 cases CLG cites, 83% (or 1,915) of these were granted by local authorities, usually because they would have been in line with published plans for an area. But there are growing concerns about the 52% of local authorities that do not have 'up to date' adopted plans in place. Following 27 March 2013 decision makers will often give less weight to local policies in those areas.

Local communities can still resist damaging housing proposals in some circumstances

The cases we have examined show how unsustainable pressure is being placed on the countryside. But it is possible to make a convincing argument that protecting the countryside should be paramount, in particular where: specific NPPF policies indicate that development should be restricted, for example 'inappropriate development' in Green Belts or major development in nationally designated landscapes (National Parks and Areas of Outstanding Natural Beauty)²; if a draft plan has a five year land supply and/or is about to be examined by a Planning Inspector, then applications can be refused on the basis of 'prematurity'; and smaller housing proposals in inappropriate locations can be resisted on the grounds that they are poorly linked to transport and village services, and would harm 'the intrinsic value of the countryside' as stated in the NPPF.³

Further briefing materials on making the most of the NPPF for the countryside are provided in Planning Campaign Briefings issued by CPRE, available at www.cpre.org.uk.

What needs to be done

CPRE has made a number of recommendations in *Countryside Promises, Planning Realities* about how the problems mentioned here can be addressed. The immediate need is for a Ministerial Statement to give support to local planning authorities to get plans in place, promoting necessary development in the most suitable locations so that they can resist pressure from developers to allow damaging proposals to proceed. In particular, we believe the following changes are urgently needed:

- councils should be given another 18 months to get up to date local plans in place;
- clearer guidance must be developed to underpin vague, ill-defined terms in the NPPF, such as 'viability' and 'deliverability' of development;
- Ministers should give clear guidance to Planning Inspectors that they should not normally allow planning appeals for large housing schemes in open countryside until the two issues above are resolved; and
- in the longer term, the NPPF should be revised in order to strengthen positive statements about promoting sustainable development, prioritising brownfield regeneration, and protecting and enhancing the countryside. These policies should not be undermined by a shortsighted pursuit of economic growth.

CPRE, March 2013

² Planning Inspectorate appeal decision reference APP/B1605/A/11/2164597.

³ See Planning Inspectorate appeal decision reference APP/V3120/A/11/2160206.