



Positive + planning

The NPPF and plan-led development



National
Trust

‘Planning should be genuinely plan-led, empowering local people to shape their surroundings’

(Paragraph 17, NPPF)

New research carried out for the National Trust suggests that the Government’s planning policy contains loopholes that allow developers to build housing in the wrong locations, side-stepping sites allocated in Local Plans.

Summary

The National Planning Framework (NPPF) came into force in March 2012. It states that ‘planning should be genuinely plan-led, empowering local people to shape their surroundings’, that Local Plans ‘should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency’ and that ‘proposed development that accords with a local plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicated otherwise’.

However, new research suggests that this vision for local democracy and plan-led development is not being delivered on the ground. In practice, councils who have Local Plans in place are still coming under pressure to release unallocated land for housing development, largely due to the way the NPPF’s land supply rules work in practice.

Background

The NPPF is unequivocal in its support for people-led planning, and reasserts a commitment to a plan-led system based on Local Plans that the Government has described as ‘produced by local people’ and the ‘keystone of the planning system’¹. The framework also recognises the need to ‘widen the choice of high quality homes’².

The National Trust agrees that we need more new homes, and supports a democratic and locally agreed plan-led system as the best way to meet the needs of the environment, people and the economy, and choose the most sustainable locations for development.

We wanted to investigate whether this vision for plan-led decisions was being achieved in relation to housing development. Housing is the development type which uses more land than any other and which is a principal user of greenfield sites. In particular we wanted to establish whether housing development was being allowed on land not allocated in plans, on sites which local authorities would have preferred to remain undeveloped.

Specific research is required to identify this because the scale of housing applications not in conformity with adopted plans is no longer known. Since 2009, the Government has not routinely required local authorities to notify them of these types of planning applications.



336

Local Planning Authorities ^{in total}

including National Park Authorities

191

have adopted a local plan

(or 57%)



We looked at 27 councils that have an adopted Local Plan and a site allocations plan.



‘Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.’

(Paragraph 12, NPPF)

1. Rt Hon Greg Clark MP, Statement on the NPPF, HC Deb 27 Mar 2012, Column 1337
2. Paragraph 9, NPPF

Scope of research

The research, carried out by planning consultants Green Balance, looked at 27 local authorities that have a Local Plan in place and have allocated specific sites for development. It focused on councils with significant areas of countryside, and excluded London and other predominantly urban areas as well as National Parks. It found that in 16 of these areas, councils find themselves under pressure to release unallocated land for development in response to speculative applications from developers, despite fulfilling the NPPF's requirements to set a vision for development and choose specific sites for new houses in their area.

The research aimed to study all local planning authorities which had adopted both Core Strategies (which set out strategic local priorities and identify the broad locations for major developments) and site allocations plans (which identify specific sites for particular development types) where there was a plausible option of developing housing on greenfield sites.

London Boroughs were excluded as were the wholly urban authorities of Sandwell and Bristol, due to the few realistic greenfield development opportunities. Other marginal cases were included, notably Poole. National Park Authorities were excluded as different arrangements apply there. The outcome was that the sample size was 27 authorities (about one tenth of the eligible authorities which might have adopted such plans).



Local plans 'should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency.'

(Paragraph 17, NPPF)

These 27 councils are doing the right thing according to the Government's policy. With both Local Plans in place and specific sites allocated for development, they should be safe from the speculative applications which often undermine the community-led planning which the NPPF envisions. It is disappointing that more than half of these areas are finding their Plans being challenged, and that some are releasing unallocated land for development as a result. Some practical changes should be made to the system so that areas with Local Plans in place can have the confidence and certainty they were promised and deserve.

Of the 27 councils looked at, 11 experienced no difficulties with NPPF while 16 experienced difficulties.

Here's the breakdown of the 16:



linked to the effect of the economic downturn on the housebuilding market



due to a reliance on larger sites



because their own high housing targets caused them a problem



because of newer housing needs assessments which were different to those used in the original plan

NB: Local Planning Authorities reporting problems in each category. Some LPAs fit into more than one category.

Key findings

The research concludes that the housing land supply approach in the NPPF and Planning Practice Guidance is inadequate, and that the calculations of what constitutes the required five year land supply have in some cases become more important than common sense in determining whether a council's land supply is satisfactory. Too often, councils and developers are debating the figures in the formula rather than working together to deliver good planning.

The worst problems identified in our research are:

- At least eight of the areas studied are facing difficulties because house building rates fell dramatically during the economic downturn. The NPPF assumes this downturn is because there was not enough land identified to build on, when in fact land supply remained plentiful in these areas. It was the market that failed to deliver the homes. The framework, however, requires this backlog in numbers to then be added to the current plan requirements, usually within a five year period. This means that the plan may be challenged and unallocated sites proposed for building, on the grounds that the land provided by the plan is insufficient to meet the increased housing need.
- Authorities which had adopted high growth targets – higher than strictly necessary to satisfy their identified needs – could find that even the extra land they had allocated for the purpose was insufficient if development rates failed to meet aspirations. Filling the numerical gap between housing target and land requirement could involve releasing unallocated sites for development despite the substantial allocated sites. Two councils find themselves in this position.
- Councils reliant on building most of their new houses at a small number of large sites (such as large urban extensions or new settlements) are at risk of being required to release unallocated sites if for any reason house builders delay development at the large sites. Three authorities have had to release unallocated sites as a result of this problem.
- In at least four authorities, a more recent assessment of housing need than that used in drawing up the Local Plan is suggesting the original assessment is now too low, leading to disputes over how much housing land should be supplied. In these areas tensions surround the use of individual planning applications to determine housing requirements rather than a local plan review.
- Problems with demonstrating a sufficient land supply have been exacerbated by the NPPF requirement to clear any housing backlog within five years, and, in areas which have a 'record of persistent under delivery of housing', the requirement to provide an additional 20% buffer of land.

Recommendations

- 1** Government should ensure that the Local Plan is sovereign, and that there is greater certainty about where development should and should not go, in areas where a local plan is in place
- 2** Government should clarify that where a plan is in place, strategic questions about housing need and land supply should be dealt with when a new Local Plan is prepared, not in response to individual planning applications
- 3** Government should ensure local authorities are not penalised for:
 - a. including large sites in their plans
 - b. setting ambitious targets for new housing