



Report to Planning Committee 18 January 2024

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Report Summary	
Report Title	National Planning Policy Framework 2023 and Ministerial Statement – The Next Stage in Our Long Term Plan for Housing Update
Purpose of Report	To brief Members on changes arising from the recently amended National Planning Policy Framework (December 2023) and changes that are to come into effect for planning
Recommendations	To note the report and be aware of the contents of the documents when considering planning applications

1.0 Background

1.1 The Government, between 22 December 2022 and 2 March 2023, consulted upon changes to the [National Planning Policy Framework](#) (NPPF). A report was presented to Planning Policy Board in February of our recommended response. The consultation suggested a number of updates as well as a view on the approach to be given to preparing National Development Management Policies, support for levelling up as well as how national policy is accessed by users. The outcome of this consultation was published on 19th December 2023 following an interim update to the NPPF which made amendments in relation to off-shore wind.

1.2 Additionally on the 19th December, the Secretary of State for Levelling Up, Housing and Communities and Minister for Intergovernmental Relations, published a Ministerial Statement '[The Next Stage in Our Long Term Plan for Housing Update](#)'. Whilst the title appears to relate towards housing, its ramifications for planning and decision-making is far wider.

2.0 Detail

National Planning Policy Framework

2.1 The highlighted changes below are set out according to the Chapters within the NPPF that they each fall within. Only those sections that are considered particularly important for Planning Committee to be aware of are reported.

Achieving sustainable development

- 2.2 The purpose of the planning system has an addition inserted. As well as “*contribute to the achievement of sustainable development*”, the following has been added “*including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner*”.
- 2.3 Amendments are made in relation to housing supply, however as we have a five-year supply, these changes do not currently affect us.

Plan-making

- 2.4 Strategic policies as well as setting out “... *an overall strategy for pattern, scale and quality of places...*” now includes the requirement “*(to ensure outcomes support beauty and placemaking)...*”. No definition of beauty has been provided.

Delivering a sufficient supply of homes

- 2.5 Amended detail is provided regarding the method for calculating housing delivery targets, which will be a matter for the Planning Policy & Infrastructure team to consider when reviewing future local plans. There are many additions to this section including, within the introductory paragraph to this section “*The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.*” In terms of our decision-making, Members will be aware that we refer to, and evaluate schemes against, the [District Wide Housing Needs Assessment](#) report.
- 2.6 Opportunities to support, through policies and decisions, community-led development for housing and self-build and custom-built housing has been inserted. This also includes, for community-led schemes, exception schemes. A footnote indicates that such exceptions cannot exceed 1 hectare or exceed 5% of the size of the existing settlement. Additionally, it supports market dwellings when these are required to enable the delivery of affordable dwellings without grant funding. This is broadly in accordance with how we have appraised such schemes historically.

Promoting healthy and safe communities

- 2.7 The introductory section inserts the aim to achieve “... *the use of beautiful, well-designed, clear and legible pedestrian and cycle routes...*”.

Making effective use of land

- 2.8 To increase density of development and support the use of airspace above existing residential and commercial premises a new section has been inserted in relation to mansard roof extensions “... *allow mansard roof extensions on suitable properties where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard... A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.*” Such roof alterations are not a typical request to the authority, whereas they are more common within London and its hinterlands, for example. Referring to the requirement to achieve ‘beauty’, they are anticipated to be less likely a solution within the District, but should such applications be received, they will need to be considered on their merits.

- 2.9 Potentially a fairly significant insertion is paragraph 130 which says *“In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.”* Paragraphs 129a and b address plan making and policies setting out density criteria, which we have, within Core Policy 3 (Housing Mix, Type and Density) within the Amended Core Strategy with an average of 30-50 dwellings per hectare. This insertion has the potential to allow significantly higher densities than our policy requirements until we have a design code setting out acceptable levels. In the context of delivering beautiful places, there is the potential that there might be conflict between policy aim of appraising proposals with higher densities against policies considering the character of an area, as often is the case.

Achieving well-designed and beautiful places

- 2.10 The title of this chapter has ‘beautiful’ inserted. In relation to improving the design of schemes, importance is put on design codes *“... primary means of doing so should be through the preparation and use of local design codes...”*. An insertion in terms of ensuring what is considered (and approved) and planning application stage is reinforced with *“... ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater clarity for those implementing planning permission.... and a clearer basis ... to identify breaches of planning control...”* As Members will be aware, we attach conditions requiring developments to be constructed in accordance with the approved plans and will either attach a condition requiring the materials used to be in accordance with information provided or a requirement for samples to be submitted. In terms of design codes, this will likely be a matter for the Planning Policy & Infrastructure team to lead on.
- 2.11 How far it will be possible to take the ‘visual clarity’ referred to above in relation to drawings is not yet known. Frequently, especially in relation to householder developments where the homeowner prepares their own plans, these can often be difficult to interpret and are limited in detail. Whilst we ask for clearer drawings these are often very difficult to secure. Challenging the quality of the visual clarity of drawings could, in effect, result in a homeowner having to go to an architect or design company to prepare their plans, adding cost to their scheme. This will likely be an aspect that becomes clearer over the coming months.

Meeting the challenge of climate change, flooding and coastal change

- 2.12 A new paragraph has been inserted in relation to energy efficiency *“In determining planning applications... should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including through installation of heat pumps and solar panels where these do not already benefit from permitted development rights. Where the proposal would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 (Conserving and enhancing the historic environment) of this Framework.”*

Conserving and enhancing the natural environment

2.13 A footnote has been inserted *“The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.”* This addition may have some limited bearing on the inquiry at Staythorpe.

Written Ministerial Statement

2.14 This has some significant changes and challenges within it, not all apply to ourselves due to having an up-to-date local plan and having a 5-year housing supply of housing, for example. It is advised that all Members of Planning Committee read the Statement in full and ideally those not on Committee as well.

2.15 A section is provided on the ‘Role of Beauty’. *“Building beautifully and refusing ugliness has been central to the Government’s planning reforms, as the right aesthetic form makes development more likely to be welcomed by the community. ...the NPPF goes further to cement the role of beauty and placemaking in the planning system by expressly using the word ‘beautiful’ in relation to ‘well-designed places’....”*.

2.16 Planning performance is a central key to the whole of the Statement, both in relation to plan making but also in the determination of planning applications. Due to the importance of this and the implications, extracts are copied below. It is set out that it is up to local authorities, the Planning Inspectorate and statutory consultees to expedite delivery.

“Greater Transparency

Being transparent about data improves understanding of relative good and poor performance, and sparks action. That is why we will publish a new local authority performance dashboard in 2024.

As part of that reporting, we will...strip out the use of Extension of Time agreements, which currently mask poor performance. ... there will be instances where such agreements are necessary, ...concerned by the increase in their use – in particular for non-major applications, where the figure has jumped from 9% during the two years to March 2016 to 38% during the two years to March 2022. I therefore intend to consult on constraining their use, including banning them for householder applications, limiting when in the process they can apply, and prohibiting repeat agreements.

Additional Financial Support

In recognition that we are expecting better performance from local authorities, we are providing additional resource to help meet those expectations through a range of new funding streams.

... planning fees have increased by 35% for major applications and 25% for other applications. Local authorities are obliged to spend these fees on planning services, and ... there should be no decrease in authorities’ spend on planning from their general fund.

Second, ...180 local authorities have today been awarded a share of £14.3 million from the first round of funding. This will better enable them to clear their

planning application backlogs and invest in the skills needed to deliver the changes set out in the Levelling Up and Regeneration Act. ...

Faster Processes

Today we also address wider causes of delay in the planning system, with action on statutory consultees, customised arrangements for major applications, and support to prioritise the work of planning committees.

On statutory consultees, while the statistics suggest that most do respond within the 21-day limit, ... The Levelling Up and Regeneration Act makes sure statutory consultees can charge for pre-application advice, which should tackle problems ...

On accelerated planning services, ... these will build on the existing model of Planning Performance Agreements, which are struck between local authorities and developers, detailing how an application will be handled and what timescales will apply. ... know these agreements work well in some areas, it is also clear that they are used inconsistently – with many developers finding that the payments charged and the level of service offered vary significantly between authorities.

We will now look to regularise these arrangements – making sure that they are offered across England, that clear milestones have to be agreed, that fees are set at an appropriate level, and that those fees have to be refunded where milestones are missed. Given the complexity and necessary flexibility that comes with such applications, we will work closely with the sector as we design these arrangements before consulting in the new year.

On planning committees, we rightly see elected representatives judge the merits of significant applications – and it is vital that they focus their time on applications that truly merit such scrutiny, and arrive at decisions following legitimate reasoning. On this basis, I have asked the Planning Inspectorate to start reporting to the department about cases where a successful appeal is made against a planning committee decision, and the final decision is the same as the original officer's recommendation. The overturning of a recommendation made by a professional and specialist officer should be rare and infrequent – such that I have reminded the inspectorate that where it cannot find reasonable grounds for the committee having overturned the officer's recommendation, it should consider awarding costs to the appellant.

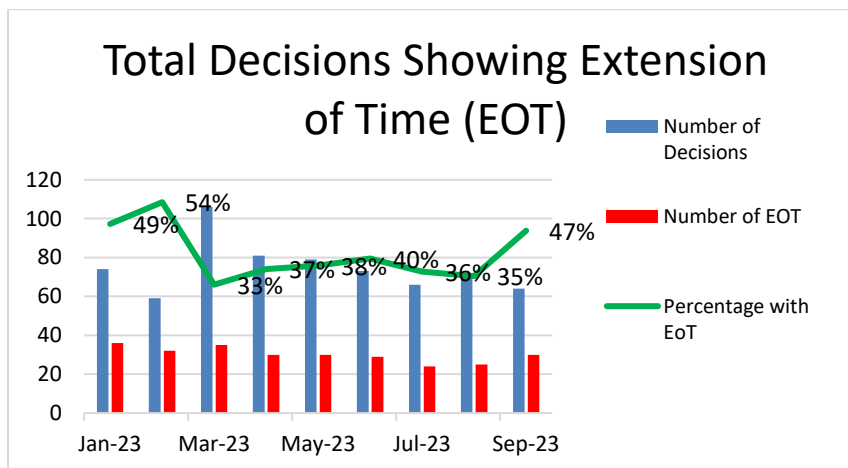
I intend to consider what more we can do to support planning officers and the committees they serve to focus on the right applications. This might be about providing more training, or using guidance to share best practice on the tools that can help to prioritise a committee's time – including the schemes of delegation that authorities adopt to determine which applications get determined by officers and which warrant committee airing.

Direct Action

Where these expectations for the planning system are not met, I will intervene.

...also designated two additional authorities for their poor-decision making performance and intend to review the thresholds for designation to make sure to we are not letting off the hook authorities that should be doing better. ...”

2.17 This Statement will, if the Council is not seen to be poorly performing and ‘dragging its feet’ result in a need to change a number of our processes. As reported to Planning Committee in December regarding extension of time agreements, a number are agreed between ourselves and an applicant (refer graph below). A breakdown has not been undertaken as of yet regarding the number that relate to householder applications. However, with reference to our response to the Government Consultation in early 2023 on [Increasing planning fees and performance: technical consultation](#), a significant number of extension of time requests are at the request of applicants/developers rather than ourselves. This is due in part to pre-application advice not having been sought and officers trying to achieve ‘beautiful’ development but also due to additional information being required. However, Officers do also request them for instances such as applications being presented to Planning Committee or legal agreements being required. The [outcome of this consultation](#) indicated that the Government recognised authorities do try to negotiate and also that sufficient resources were not in place at all Councils to facilitate speedier decision-making. The increase in fees, together with the additional funding is putting speed of decision-making towards the forefront.



2.18 In terms of funding, we do not have a backlog and were therefore unable to submit an application to secure money for this. However, we were successful in a bid to increase our skills knowledge within the Planning Enforcement team so will be looking to progress this in order to comply with the grant conditions.

2.19 In relation to Planning Committee and decisions generally, there is direction that committees should be dealing with the complex and controversial applications. This will be particularly relevant if extension of time applications cannot be agreed for householder developments as these will more than likely be out of time if presented to Committee. However, the majority of applications presented to Committee are subject to extension of time agreements, so this will be reflected in our performance.

2.20 It is also clear that an overturn of an Officer recommendation if appealed and it cannot be satisfactorily defended will have a significant risk of costs being awarded in the event of an appeal. The Committee should always be able to make the decision that it

considers is the right one but awareness of the need for a sound reason(s) for refusal needs to be a priority.

2.21 Any process changes required in order to improve performance will have consequence for applicants and their agents. Professional agents should be aware of this Statement and therefore anticipate that all local planning authorities in England will need to review their processes. It is likely to have an impact on householders submitting their own applications as well as across the development industry. It is likely to result in increased complaints where we are not seen to be approaching decisions in a “... positive and creative way” (paragraph 38, NPPF), particularly now that free second submissions have been withdrawn.

2.22 Lastly, in relation to the NPPF, whilst not a change but in relation to the latest Ministerial Statement, the Introduction is clear that “Other statements of government policy may be material when ... deciding applications, such as Written Ministerial Statements....”. This Statement will therefore be a matter that needs consideration in making decisions by Committee and under delegated authority.

3.0 Implications

3.1 In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding and Sustainability, and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[National Planning Policy Framework, December 2023](#)

[Written statements - Written questions, answers and statements - UK Parliament](#)

[Increasing planning fees and performance: technical consultation,](#)

[Outcome of the planning fees consultation](#)