

New year, new National Planning Policy Framework (NPPF)



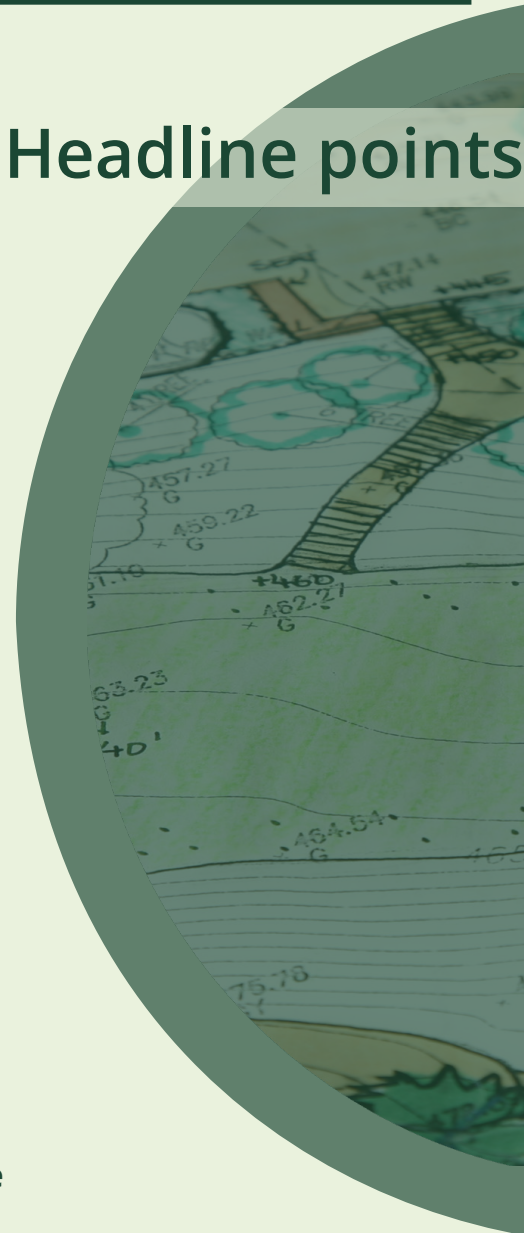


An updated version of the National Planning Policy Framework (“NPPF”) was published on 12th December 2024 and took immediate effect. It came after an 8-week consultation over the summer in which over 10,000 representations were received.

Here at Temple, we have provided an overview of the main changes. The changes have the largest impact on development within the green belt, however, it is key to understand the impact on all development going forward. This follows our initial thoughts published in December, providing further insight now that the dust has settled.

- The requirement for all **local authorities** to demonstrate a 5-year **Housing Land Supply (HLS)** of deliverable housing sites has been re-instated.
- Proposals on **brownfield land** have further support, where refusal needs to be based on a test of ‘substantial harm’.
- Changes have been made to the tilted balance when applying the presumption in favour of **sustainable development**.
- **Local authorities** have until 12th March 2025 to publish **draft local plans** using the previous NPPF.
- The release of **‘grey belt’ land** (land not contributing to green belt objectives) has been made easier.
- However, ‘Golden Rules’ dictate that **residential development** on the green belt must provide at least **15% more affordable housing** than would otherwise apply (capped at 50%), infrastructure and green space improvements.
- **Affordable housing requirements** have been updated to respond to local needs and at **least 50% for housing** located on former green belt land.
- Shifts the focus from **‘predict-and-provide’** linked to car dependency to a vision-led approach, prioritising **sustainable transport networks**.
- The requirements for incorporating the provision of **public service infrastructure** into new developments have been strengthened.

Headline points



Five Year Housing Supply

The policy reinstates the pre-Michael Gove requirement for Local Planning Authorities (LPA's) to demonstrate a 5-year Housing Land Supply (HLS), including a buffer (NPPF Paragraph 78). Paragraph 78(c) allows a 20% buffer for plans examined under previous NPPF versions and removes the transitional arrangement permitting some LPAs to show only a 4-year HLS.



The policy aims to boost housing output in areas where plans fall short of the new standard method for calculating housing figures. It will impact LPAs without up-to-date plans, potentially invalidating previously strong 5-year HLS positions, and increasing the likelihood of speculative applications in areas with inadequate housing supply.

Brownfield Development Priority

The new NPPF introduces an acceptance in principle for brownfield developments unless the proposal meets the policy test for refusal of 'substantial harm'. This change lowers the barrier for approval, this is a significant benefit for any proposals on brownfield land.



Presumption in Favour of Sustainable Development

Changes have been made to the tilted balance when applying the presumption in favour of sustainable development. The replacement of 'clear' with 'strong' now requires demonstrably strong grounds for the refusal of development.



Specific policies for sustainable development when the tilted balance is applied, as referenced in Footnote 9. These changes give more weight to the presumption in favour of sustainable development in conflicts with other NPPF policies.

Plan-making and Transitional Arrangements

Local authorities must publish draft local plans under the previous NPPF by 12 March 2025. This transitional arrangement is expected to prompt a surge in submissions for plans at advanced stages. However, authorities with plans still far from Regulation 22 may require significant revisions before submitting their plans, particularly regarding housing numbers.



Plans submitted before 24 January 2019 will continue to be assessed under the 2012 NPPF.



Green Belt/Grey Belt

Green belt policy has been significantly relaxed, allowing for its potential removal (NPPF Paragraph 143) subject to its contribution to the green belt – referred to as 'grey belt'.

When land is released for development or when development occurs within the green belt, the 'Golden Rules' apply. This represents a significant policy shift but comes with stringent conditions: land must be in sustainable locations, comply with the golden rules, and meet the criteria of being a grey belt.

While this opens up the possibility for much-needed housing development, it will likely be a contentious issue for some time, with further guidance expected as well as case law setting out how The Planning Inspectorate are interpreting policies at appeal



Golden Rules

Where land is to be released/ major residential development is proposed on the green belt, 'Golden Rules' apply, these include:

- Provision of at least 15% more affordable housing than would otherwise apply (capped at 50%)
- Infrastructure improvements
- Provision/improvement to green spaces

This provides opportunities to unlock housing in areas traditionally protected under green belt policies. New viability guidance has been promised this year, in addition to that provided in Annex 4 of the new NPPF.



Vision-led Transport

There is a significant shift in transport-based policies with the move to emphasise vision-led transport. This is a move away from 'predict-and-provide'. It emphasises sustainable modes and long-term travel patterns, impacting both site allocations and development management decisions

It also replaces the previous requirement to provide 'appropriate opportunities' to promote sustainable transport modes when assessing site allocations or specific applications. In addition to changing the focus from 'all scenarios' to 'reasonable future scenarios' when assessing development.



Affordable Housing Mix

The previous 10% affordable housing (AH) requirement is replaced by a focus on locally identified housing needs. Additionally, a specific AH requirement of 'at least 50%' is introduced for housing on land released from the green belt, as part of the golden rules.

These changes increase the workload for councils, requiring them to identify local housing needs and guide development to create mixed, balanced communities. This process will take time to fully implement.



Community Infrastructure

The NPPF strengthens the requirements for integrating public service infrastructure into new developments to support public well-being (Paragraph 101). The term 'significant' will be key in determining if a scheme fails to deliver necessary infrastructure, setting a high planning bar but potentially offset by housing needs.

This aims to ensure that new developments are supported by adequate services, reducing pressure on existing ones. Developers may argue viability to reduce their responsibility for new services, but current guidance suggests that will be removed from viability considerations.



If you have questions or would like to discuss how the NPPF changes may impact your projects, please don't hesitate to reach out to us.

Get in touch!

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