Suffolk Local Councils 2026 Briefing

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Planning Officers' Society

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Planning Officers Society

The credible voice of public sector planners in England

- Represent around 2,000 individual planners working in 80% of the local authorities and public sector organisations around England
- Act as a support network for planners in the public sector
- Promote best practice in planning

Planning in England is Policy-led

- National Policy
  - National Planning Policy Framework (NPPF)
  - National Policy Statements
  - Gypsy &Traveller policy
  - Planning Practice Guidance
- The Development Plan
  - Spatial Development Strategies (SDS)
  - Local Plans
  - Minerals and Waste Plans
  - Supplementary Planning Documents – material considerations
  - Neighbourhood Plans – part of the Development Plan

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Decision making basic principle: start with the plan

- *"……have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations".*
  Town and Country Planning Act 1990, section 70

The National Planning Policy Framework sets out the government's policies for plan making and for making decisions on development proposals in England. It is a material consideration of critical importance in both contexts.

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Who determines Applications?

- The Secretary of State
- Planning Inspectors (delegated from Secretary of State)
- Planning Committees
- Officers
- Delegation systems

Material Planning Considerations

- ‘Up to datedness’ of the development plan
- Government policy and the NPPF
- Statutory consultation responses
- Supplementary Planning Documents
- Prematurity
- History
- Layout, density, design/appearance, character (Design & Access Statement)
- Amenity: daylight, sunlight, privacy
- Noise, smell or other disturbance (e.g. a nightclub in a residential area)
- Access/traffic (parking and road safety issues)
- Conservation/listed building impact (ie. harm to their character, appearance or setting)
- The provision of affordable housing
- Fear of crime
- Local economy and employment generation
- Cumulative impact
- Previous similar decisions
- Rarely, personal circumstances
- Intention to undertake unauthorised development (when determining retrospective applications)

NB: this list is not exhaustive

As at April 2024

Non-material Planning Considerations

- Impact on property values
- Profit
- Ownership of land/right of access
- Work has already been carried out
- Commercial competition
- Moral objections to development like public houses or betting shops
- Loss of private views
- Restrictive covenants
- History of the applicant
- Change from previous scheme
- Matters covered by other legislation
- Health concerns

NB: This list is not exhaustive

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Engagement of Local Councils: various stages

- Spatial Development Strategies - reactive
- Local Plans - reactive
- Supplementary Planning Documents - reactive
- Neighbourhood Plans – proactive
- Planning Applications – reactive but can be proactive – approaching developers/potential developers

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The Decision can be challenged

- Appeal - SoS is a higher authority and PINS stand in his stead – more forensic examination of issues from national policy position
  - Costs for unreasonable behaviour (even when not sought) – decisions based on evidence?
- Judicial Review
- Local Government Ombudsman

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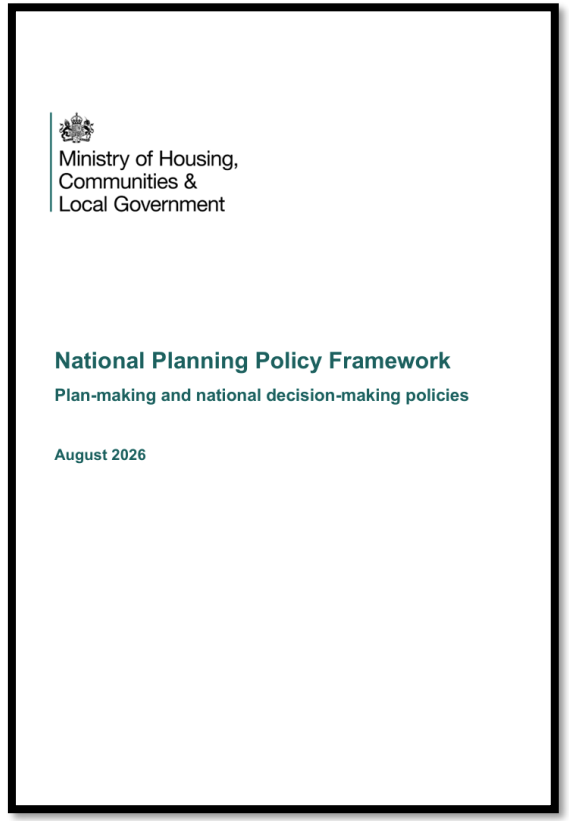
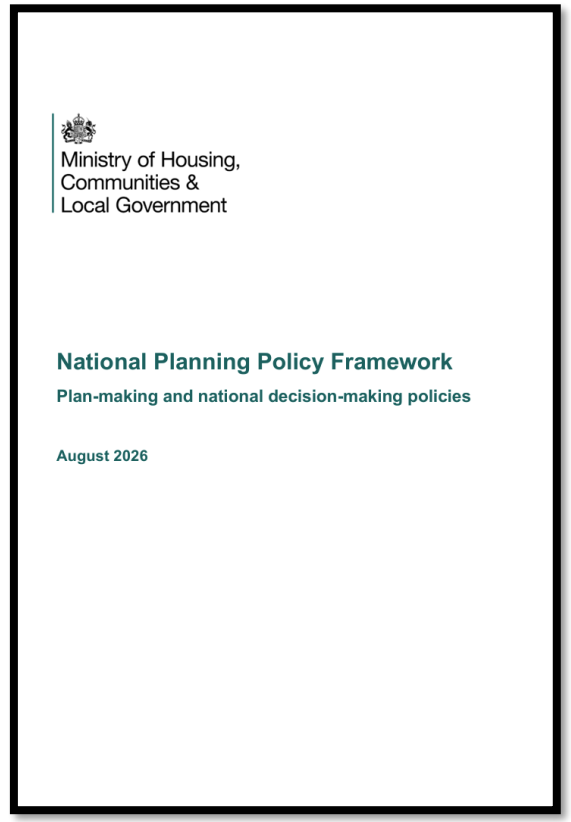
Overview of the new NPPF (August 2026)

- Radically different document with a completely new structure
- Mix of plan making and decision-making policies - National Development Management Policies (NDMPs)
- NDMPs non-statutory but Govt keeping this under review
- Govt looking to:
  - make policy more rules based and more certain
  - reduce duplication and avoid “unjustified local deviation from national policy in local plans”



Overview of the new NPPF (cont.)

- New guidance on applying and balancing weight (e.g. substantial, limited, reduced…)
- More prescriptive (setting out in explicit terms what Government expects)
- Longer than previous versions
- New definitions
- For decision-making, came into immediate effect on date of publication (17 August)



Structure of the new NPPF

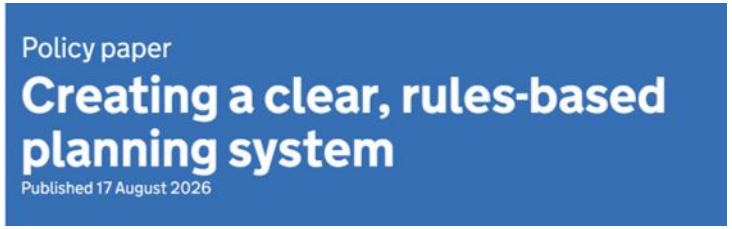
Contents

- Procedural policies
- Sustainable development
- Delivering homes and supporting growth
- Creating high quality, sustainable places
- Conserving and enhancing the environment

Annexes

A. Implementation
B. Glossary
C. Information Requirements
D. Housing calculations and supply
E. Green belt assessments
F. Managing flood risk and coastal change

In the Government's own words…



- *sets out national planning policy in a clearer and more comprehensive manner and incorporates a number of substantive reforms designed to boost housing supply and unlock economic growth in the years ahead*
- *new decision-making policies…will:*
  - *make development management more certain, consistent and streamlined*
  - *standardise policies that apply across the whole of England*
  - *reduce duplication and avoid unjustified local deviation from national policy in local plans*

The new presumption in favour of sustainable development

- **Policy S3** takes forward the long-established "presumption in favour of sustainable development" for decision-making. It retains the existing principle that proposals which accord with the various development plans should be approved without delay

- But we now have clear guidance on how the presumption should be applied within settlements (**Policy S4**) and outside settlements (**Policy S5**)

Development within settlements Policy S4

- "*Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework*"
- Gives specific examples where substantial adverse impact might be shown (e.g. safeguarded site allocation, local green space, development in residential curtilages..)
- Settlement includes cities, towns, villages and other predominantly built-up areas, including land which is allocated or has permission for development
- But not hamlets or scattered groups of houses

Development outside settlements Policy S5

- Only certain forms of development should be approved
- But still positively expressed, listing types of development that should be approved (see examples opposite)
- Does not apply to development proposals in the Green Belt

- agriculture & forestry
- re-use of buildings
- tourism
- redevelopment of PDL
- limited infilling withing groups of houses
- unmet need for gypsies and travellers
- housing where no 5YHLS or below 75% HDT
- development around ‘well-connected stations’)

This list is not exhaustive

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Isolated homes in the countryside Policy HO11

- Should only be supported where one or more of the following apply:
  - essential need of rural worker
  - enabling development to secure future of heritage asset
  - re-use redundant building and enhance its immediate setting
  - subdivision of an existing property
  - exceptional design quality

Neighbourhood plans and the presumption Policy S6

- For housing proposals, the benefits of approving development are likely to be substantially outweighed by the adverse effects where a proposal would conflict with a neighbourhood plan, provided the following apply:

  – the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
  – the neighbourhood plan contains allocations to meet its identified housing requirement (see policy HO2).

Building homes around stations

- A new ‘default yes’ approach to development around ‘well-connected stations’ outside settlements and in the green belt (**Policies S5 and GB7**)
- Definition of a well-connected station included at **Annex B**:
  - Within one of the top 80 Travel to Work Areas
  - 4 trains/trams per hour
  - Reasonable walking distance is around 800m /10 minutes
- Minimum densities apply





Urban and suburban densification

- **Policy L2**: **Making effective use of land**
  - Making better use of vacant and underutilised land and buildings
  - Making effective use of previously developed land and buildings through temporary uses
  - Creating additional homes or floorspace within settlements by using the airspace above existing residential and commercial premises, or through sensitive redevelopment or additional development within existing plots
- *"policies have been refined to support more intensive use of land.."* - Chief Planners letter

- But retains exclusion of residential gardens, parks, recreation grounds and allotments in definition of PDL

Urban and suburban densification

- Some qualifications to applying policy L2:
  - in keeping with its surroundings (street scene/ character of area)
  - general amenity considerations (safe access, acceptable living standards for residents and neighbours in terms of access to daylight, sunlight, privacy and external amenity space)
  - where development would involve the use of residential curtilages, not occupy more than twice the footprint of all the existing buildings on the site, and, following development, would retain at least 50% of the non-developed area within the curtilage of the existing buildings

Urban and suburban densification

- **Policy L3: Achieving appropriate densities**
  - Within settlements, development proposals for residential and mixed-use development should contribute to an increase in the density of the area
  - Outside settlements development footprints should make the best use of a site's development potential
  - Development within reasonable walking distance of a well-connected station, a density of at least 35 dwellings per hectare should be achieved. This rises to minimum of 45 dwellings per hectare where the service frequency is at least twice that of the minimum required for a well-connected station.

Community facilities

- Strengthened policy around the loss of pubs and other community facilities (Policy **HC6**) – 3 tests:
  - no reasonable prospect of the use being retained, either due to insufficient community support or because it is no longer viable or feasible to operate
  - the loss resulting from the proposed development would be replaced by equivalent or better provision, in a location which offers comparable or improved accessibility for the community it serves
  - there is sufficient alternative provision of the type of use concerned in the local area, such that its loss will not diminish access to key community facilities and public service infrastructure

Heritage – policies HE4–HE10

- Overhauls the long-established test in national planning policy for assessing the impact of a development proposal on heritage assets
- Removes the “less than substantial harm” test
- Introduces clearer categories of effect (**policy HE5**)
  - Positive
  - No effect
  - Substantial harm (development that seriously affects a key element of a heritage asset’s significance)
  - Total loss
- Places stronger emphasis on understanding significance and supporting proposals with positive heritage outcomes

Other DM policies worth a mention

- Safeguards for protected landscapes (**Policy N4**)
- Support for commercial growth (**Policies E2 and E4**) including data centres and on-farm reservoirs
- Support for renewable and low carbon energy development (**Policy W3**)
- Locating development in sustainable locations (**Policy TR3**)
- Proposals should only incorporate biodiversity enhancements exceeding statutory BNG where required by local plan site allocations (**Policy N2**)
- Ensuring design of public spaces and streets are safe and inclusive, especially for women and girls (**Policies DP3, TR4 and P5**)
- **Policy DM8** states that "intentional unauthorised development" should be given "substantial weight" in determining retrospective applications

What does it all mean for development management?

Area	What's new	Practical implication
NDMPs	National policies override local ones	Less local discretion; more uniform decisions
Presumption	Stronger link to HDT	More approvals where supply is weak
Station-led growth	Expanded to top 80 TTWAs	Higher densities; harder to refuse
Green/Grey Belt	Clearer categories	More permissive on Grey Belt
Climate/biodiversity	Stronger tests	More evidence required
Heritage	Clearer harm tests	More structured justification
s106	Standard templates coming	Faster, more predictable obligations
Statutory consultees	Reforms to speed process	Shorter consultation windows

National Scheme of Delegation

- Currently, every LPA has its own scheme of delegation to identify the circumstances in which planning decisions are taken by planning committee rather than delegated to officers
- The Planning and Infrastructure Act 2025 included new powers to allow the Government to introduce a **national scheme of delegation**
- The aim is to:
  - ensure that there is greater clarity and consistency about the role of planning committees in planning decision making
  - that planning committees focus on the key proposals that matter to an area, enabling more minor and technical decisions to be made by planning officers

- **In addition:** The number of members on a planning committee to be no more than 13



GOV.UK

Ministry of Housing, Communities & Local Government

Open consultation

Reform of planning committees: technical consultation

Published 28 May 2025

Applies to England

Contents

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5. Delegated decision making
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Personal data

National Scheme of Delegation

- Regulations come into force on 31 October 2026. Categorises planning applications into two schedules:
  - **Schedule 1** includes the types of applications which must be delegated to officers in all cases; and
  - **Schedule 2** includes the types of applications which must be delegated to officers unless they meet the criteria at a “gateway test”

  The gateway test is applied by the nominated officer (expected to be the chief planner) and nominated member (expected to be the chair of committee) to agree whether an application should go to Committee

Schedule 1

- Householder development
- Minor commercial development
- Minor residential development (up to 9 dwellings on a site smaller than 0.5 hectares)
- Reserved matters (other than large scale proposals)
- Non-material amendments to planning permissions (s96A)
- Approval of conditions
- Approval of the BNG Plan
- Prior approval (for permitted development rights)
- Lawful Development Certificates
- Certificate of Appropriate Alternative Development

These lists are not exhaustive

Schedule 2

- Applications not listed in Schedule 1
- Applications to develop land without compliance with conditions
- Applications for development which has already been carried out
- Applications for listed building consent
- Applications for advertisement consent
- Applications for consent under tree preservation orders
- Applications submitted by the LPA, or an officer or member
- Reserved matters (large scale = 500+ dwellings / 50,000 + sqm of floorspace)

"The overriding presumption is that the functions listed in Schedule 2 will be delegated to officers."

National Scheme of Delegation

At least one of the criteria (a) and (b) must be met for a Schedule 2 application to be referred to committee:

a) ***one or more issues of economic, social or environmental significance to the local area****, or*

b) ***one or more significant planning matters having regard to the development plan and any other material considerations***

It is for the local authority to decide in their area what constitutes “significant” in criteria a) & b) but the guidance does some highlight examples that could be considered

The Gateway Test

Statutory guidance examples criteria a) significant economic, social or environmental issues :

Would **likely** be:

- Outline planning permission for a large multi-phase residential development
- Change of use from a community shop in rural area
- Planning permission or listed building consent for changes to a notable listed building in a town centre

Statutory guidance examples criteria b) significant planning matter:

What they are **unlikely** to be:

- Application in broad compliance with allocation and local policy and NPPF
- Where planning matter e.g. highways or flood risk was raised by statutory consultee but the application has been suitably amended to address it.

National Scheme of Delegation – Key Points for local Councils

- **Understand** that **all 'minor development'** (Schedule 1 applications) will now **always be decided by officers**
- **Understand the local arrangements for your local planning authority** for Schedule 2 and the '**gateway test**', so that you can **advise your communities** and **make representations** on whether decision should be **referred to Planning Committee**
- **Continue** to provide **views and representations** as part of **planning policy** and **Local Plan development**
- Additionally, for (dual hatted) Planning Committee members:
  - Note Committee decision will **only be required for referred applications**
  - Anticipate **potential change in workload** for Planning Committee

- *These changes do not alter the planning balance that planning decisions are made with*

Spatial Development Strategies

- This Strategy will influence where growth goes across a much wider area than local plans
- Sites will not be allocated directly by SDSs
- Once adopted these strategies will have considerable planning weight
- Parish and Town Councils need to engage collectively on cross boundary issues
- Local Councils need to prepare early to take advantages of key stages of involvement (such as public consultation and independent examination)

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Spatial Development Strategies

- Important to get involved early – before locations are proposed
- Understand what the strategy means for your parish
- Work together with neighbouring Councils
- Build your evidence base
- Use very formal opportunity to influence the strategy

Don't wait for the planning application. The strategic decisions that determine where and how much development takes place may have been made several years earlier through the SDS and the local plan.

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Questions

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