

BRIEFING NOTE



National Planning Policy Framework December 2023

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The National Planning Policy Framework was updated and published on 19 December 2023. The revisions make significant changes to the previous version that will change how planning affects local councils. [National Planning Policy Framework \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

The Chief Planner issued a summary document highlighting the main changes and also set out actions that the Secretary of State would be undertaking in order to achieve systemic improvements in how the planning system works in England. This letter is copied below.

The key messages for local councils and neighbourhood planner are:

Speculative housing development

Where a local plan is less than 5 years old (from date of adoption), the provisions of para. 11.d no longer apply. Local planning authorities are no longer required to monitor housing land availability for plans less than 5 years old, removing the opportunity for developers to argue that a local plan is out of date on this measure in support of speculative development proposals.

- This only applies to applications that were submitted after 19 December 2023 when the new NPPF was published.
- If an adopted local plan is out of date but an emerging local plan is at Regulation 18 or 19 stage of consultation (containing a proposals map and proposed site allocations to meet housing requirements), only a 4 year housing land supply is required before para. 11d is engaged (the presumption in favour of sustainable development or also known as speculative housing development).
- Where the local plan is less than 5 years old, local planning authorities no longer need to prepare an annual land supply monitoring report.
- Where a local plan is more than 5 years old, and therefore out of date, local planning authorities must continue to prepare a monitoring report and where there has been

significant under-delivery of sites this should also include a buffer of 20% additional land.

Standard method for determining a housing requirement

The way that a housing requirement is calculated has changed and the standard method is now only an “advisory starting point”. There may be exceptional circumstances where the standard method result may be argued down. However, parish and town councils should consider this to be a finely argued point and should not assume that the standard method results for housing land requirements will not apply.

Neighbourhood plans that allocate land for housing

Made neighbourhood plans that allocate land for housing to meet their area’s identified requirement now enjoy a 5-year period where the presumption in favour of sustainable (speculative) development under para. 11d does not apply. This is a significant change from the the previous version (that there must be a 3-year housing land supply and 45% annual delivery target met). This is a strong incentive for neighbourhood plans to allocate sites to meet thier local housing requirement, particularly in areas where the local plan is out of date (older than 5 years and less than 5 years housing land supply).

Green Belt

In the preparation of local plans, the requirement for local authorities to consider releasing land from the Green Belt to meet housing requirements has been removed.

Letter from Chief Planner Joanna Avery

[Planning update letter 21 Dec 2023 \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)



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Policy and Delivery Updates

NPPF Update

DLUHC published an [updated National Planning Policy Framework \(NPPF\)](#) on 19 December 2023 following a consultation in December 2022, to which a [response](#) has now been published. The update, which is **effective immediately**, builds on the Levelling Up and Regeneration Act, which entered the statute book on 26 October.

A high-level description of the key changes is provided below, and was set out by the Levelling Up Secretary in his speech and accompanying WMS, but for the full detail and understanding of the policy please refer to the text of the NPPF itself.

In headline terms, the new NPPF:

- facilitates flexibility for local authorities in relation to **local housing need**, clarifying that the outcome of the standard method is an advisory starting point, noting any assessment will be subject to examination as usual;
- sets out that there is no requirement on a local authority to review or alter its **Green Belt** boundaries unless it chooses to do so;
- clarifies that there may be situations where **higher densities** would be wholly out of character with the existing urban area, and that this could be a strong reason why significantly uplifting densities would be inappropriate – applying where character is evidenced through a design code which is adopted or will be adopted as part of the local plan;
- removes the requirement for authorities to demonstrate a **five-year housing land supply** on an annual basis, where an up to date (less than five years old) local plan is in place that contained a deliverable five-year supply of land at its examination - creating a powerful incentive to get a local plan in place by granting additional protection from the presumption in favour of sustainable development, noting that this protection applies to applications made from the date of publication of the new NPPF;
- removes the 5% and 10% buffers that could be applied to five-year housing land supply, and maintains the 20% **buffer** only for those authorities that do not have an up-to-date plan in place and score below 85% on the Housing Delivery Test;
- increases the level of protection from the presumption afforded by **neighbourhood plans** from two to five years post adoption, provided they identify at least one housing site;
- gives additional support to the delivery of **self-build, custom-build and community-led housing** and encourages the delivery of **older people's housing**, including retirement housing, housing-with-care and care homes;



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- emphasises the **role of beauty and placemaking** in strategic policies;
- gives greater protection to **agricultural land** through additional reference to the need to address food production, maintaining the emphasis on best and most versatile (BMV) land; and
- provides greater support for **energy efficiency measures** through requiring decisions on planning applications to place significant weight on the need to support energy efficiency improvements to existing buildings.

Secretary of State announcements beyond NPPF update

Alongside the new NPPF, the Secretary of State set out his ambitions for planning performance, namely that planning decisions must be taken on time and should be robust in their reasoning, and all authorities must have an up-to-date local plan.

In order to support authorities in meeting those expectations, the Secretary of State made a number of announcements, grouped around four themes:

Greater transparency

- **Developing a new planning performance dashboard** that will provide greater transparency and accountability for local authority performance, including exposing performance absent Extension of Time agreements.
- **Reviewing the use of Extension of Time agreements in managing performance issues**, considering proposals to limit their use on minor and householder applications. DLUHC intend to consult on this in early 2024.

Additional financial support

- **Emphasising the increase in planning fees**, which have risen by 35% for major applications and 25% for other applications – and reminding local authorities that they must spend these fees on planning services, with an expectation of no decrease in authorities' spend on planning from their general fund.
- **Confirming the 180 successful local authorities for the first year of the £29 million [Planning Skills Delivery Fund \(PSDF\)](#)**. Local authorities were invited to apply for up to £100,000 to help clear backlogs of planning applications and to develop specialist skills and expertise in preparation for implementing the reforms in the Levelling Up and Regeneration Act. The 180 successful authorities will collectively receive £14.3 million from the fund. For the list of local authorities that received funding, see [here](#).
- **Updating on the establishment of the Planning Super Squad**, a new team of leading planners and specialists whose talents will be used to unblock major developments, with £13.5 million to fund their work.
- **[Allocating up-to £57 million to the eight successful bids in the first round of the Local Nutrient Mitigation Fund](#)**, and confirming that the second round will open for bids in January 2024.



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Faster processes

- **Establishing Accelerated Planning Services**, improving on the patchwork approach of Planning Performance Agreements by regularising arrangements so that they're 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.
- **Reviewing Statutory Consultees**, which will scope and examine the operation of statutory consultees in the planning application process, in particular their role in providing advice to local planning authorities. This will not cover the role of statutory bodies in plan-making or the Nationally Significant Infrastructure Planning regimes.
- **Focusing on planning committee decisions**, with the Planning Inspectorate being asked 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.

Direction action

- **Intervening in the seven local authorities** that have failed to get a local plan to examination since the 2004 Act, requiring a plan timetable within 12 weeks.
- **Designating** two local authorities in relation to quality of decision making.
- **Publishing the [results of the 2022 Housing Delivery Test](#)**, with 20 new authorities falling into the presumption in favour of sustainable development.
- **Reviewing the London Plan**, asking four specialists to identify where changes to policy could speed up the delivery of much needed homes in urban city sites in the heart of the Capital.