

## Applicants' Note in respect of the paragraph 91 of the National Planning Policy Framework

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February 2025

1. The National Planning Policy Framework sets out the Government's planning policies and how they should be applied. It is a material consideration in determining planning applications. Paragraph 91 is within the Chapter entitled Ensuring the vitality of town centres.
2. Paragraph 91 of the NPPF states:

*"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered"*
3. The sequential test is described in the NPPG in the following terms:

*"The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking". Paragraph: 009 Reference ID: 2b-009-20190722*
4. The NPPG also states that *"The application of the test will need to be proportionate and appropriate for the given proposal."* Paragraph: 011 Reference ID: 2b-011-20190722
5. Main town centre uses are defined in the NPPF's Glossary as follows:

*"Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities)."*
6. Town centres are also defined in the NPPF's Glossary as follows:

*"Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres."*
7. The proposed development includes as one component part a small element of retail as part of a mixed-use development. This is of scale to meet day to day needs of the future resident population. In this regard it reflects one of the key development requirements listed for Broad Location B1 in the Regulation 19 plan. It similarly reflects the fact that earlier mixed-use developments in the Local Plan

provided retail uses alongside new housing. This element of the proposed development is discussed in the context of the 1994 Local Plan and the emerging Local Plan at paragraphs 5.16 and 7.19 of the Planning Statement.

8. The proposed development is not solely for a town centre use(s). Chapter 7 of the NPPF needs to be read and understood in the context of the Framework as a whole, including paragraphs 77 and 135. In this instance the small-scale retail element is intrinsic to the mixed-use nature of the development. It is not to be viewed in isolation or a part that can be divorced from the scheme as a whole.
9. The applicant has not undertaken a sequential test to determine whether the retail element of the proposed development can be located in a city or town centre or district centre or local centre. That would not be a proportionate exercise and would be of no genuine value to determining the submitted application.
10. It is not necessary to determine whether there are or aren't sequentially preferable locations for the retail element. It would serve no practical purpose. To omit this element of the development on the basis that it might be provided in a location away from the application site and its future resident population would defeat the purpose of providing such a use as part of the development for the reasons given in paragraph 77 and the emerging local plan.
11. There should be no realistic prospect of planning permission being refused for the whole development on the basis that the small-scale retail element might be accommodated in a town centre location; that would entirely miss this point of the mixed-use nature of the development and the benefits of this form of development to many other planning policy objectives.
12. Ultimately the need for a sequential test and the consequence of their not being one is a matter of planning judgement to be exercised in the context of the justification given for the proposed development and its components and the policy references provided in the planning statement (i.e., the mixed-use nature of the development).
13. For completeness, the area of retail uses proposed is below the threshold for retail impact in paragraph 94 of the NPPF

**Owen Jones**  
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