

# The Implications of Proposed Reforms to the NPPF on the Lye Lane Appeal Scheme

**Section 78 Appeal by JK Rudkin Builders Ltd**

**Bricket Lodge Sports and Country Club and Paintball Site, Lye Lane, St Albans AL2 3TF**

**Outline application (access sought) for the demolition of existing buildings, the construction of up to 115 dwellings, the creation of a new access and associated highways improvements.**

**SADC Ref: 5/2022/2443**

**PINS Ref: APP/B1930/W/24/3338501**

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September 2024



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### **Personal Statement**

I have a BA (Hons) in Geography and an MSc in Urban and Rural Planning and am a Chartered Member of the Royal Town Planning Institute.

This document has been prepared and is given in accordance with the guidance of the RTPI's Code of Professional Conduct (Feb 2023) and I confirm that the views expressed are my genuine professional opinions.

**Brian Parker**

**September 2024**



## INTRODUCTION

1. This Witness Statement assesses the implications of the recently published **Consultation Version** of a new **National Planning Policy Framework** (the CV NPPF) on the ongoing Appeal Inquiry for the site at Lye Lane.
2. Because the CV NPPF (Appendix 1) is just that, a consultation document, it does not yet constitute Government Policy or Guidance and will not carry full weight until formally published.
3. Notwithstanding that, however, the CV NPPF:
  - a) Confirms the clear direction of travel for Government policy following a recent election in which changes to the NPPF were Manifesto commitments;
  - b) Proposes significant changes in respect of housing targets, brownfield land and the Green Belt - all of which are central to the Appeal Proposal; and
  - c) Provides the real-world planning context in which the Inquiry will recommence on 24<sup>th</sup> October, to which the Inspector can attribute weight.
4. That the CV NPPF truly reflects the clear direction of travel is confirmed by the Written Ministerial Statement (WMS) 'Building the homes we need' (Appendix 2), which was published on 30<sup>th</sup> July and is a material consideration in decision-making.
5. This Witness Statement assesses the key changes proposed in the CV NPPF insofar as they are relevant to the Appeal scheme. It does so in the context of the information and/or explanations set out in the WMS, and also in the following related documents:
  - a) The consultation document: "Proposed reforms to the National Planning Policy Framework and other changes to the planning system" (Appendix 3)
  - b) The "Outcome of the Proposed Revised Method", published alongside the CV NPPF and the consultation document.

## THE NEED FOR CHANGE

6. The Government could not be clearer that it is committed to making significant changes to the planning system. The WMS states (Appendix 2, pp.1 and 2):

*“We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home. That is why today I have set out reforms to fix the foundations of our housing and planning system – taking the tough choices needed to improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years.”*

*“We are therefore reversing last year’s changes which loosened the requirement for local authorities to plan for and meet their housing needs, and we are going further still, by mandating that the standard method is used as the basis for determining local authorities’ housing requirements in all circumstances.”*

7. Consistent with the WMS, the consultation document states: (Appendix 3, Chapter 1 [2]):

*“Nowhere is decisive reform needed more urgently than in our planning system. The December 2023 changes to the National Planning Policy Framework (NPPF) were disruptive to the sector and detrimental to housing supply. The Chancellor’s speech on 8 July committed to consulting on reforms to the NPPF to take a different, growth-focused approach.”*

8. Moreover, it is also clear that the Government is intent on making these changes as soon as possible (Appendix 3, Chapter 1 [4]):

*“The Government will respond to this consultation and publish NPPF revisions before the end of the year, so that policy changes can take effect as soon as possible.”*

9. The Government is also clear that the current approach to plan-making and decision-taking are part of the problem (Appendix 3, Chapter 2 [2-3]):

*“Our antiquated planning system delays too many of these projects, stymieing Britain’s ability to grow its way to prosperity.*

*We will take the difficult decisions necessary to build what Britain needs.”*

10. Moreover, and of obvious relevance to the Appeal Scheme, the Government has expressly stated its commitment to ‘brownfield first’ in both the WMS (Appendix 2, p.2) and the consultation document (Appendix 2, Chapter 5 [1]), respectively as follows:

WMS

*“The first port of call for development should be brownfield land, and we are proposing some changes today to support more brownfield development: being explicit in policy that the default answer to brownfield development should be yes; expanding the current definition of brownfield land to include hardstanding and glasshouses; reversing the change made last December that allowed local character to be used in some instances as a reason to reduce densities; and in addition, strengthening expectations that plans should promote an uplift in density in urban areas.”*

Consultation Document

*“We have been clear that development must look to brownfield first, prioritising the development of previously used land wherever possible. To support this, we will make the targeted changes set out below, including making clear that **the default answer to brownfield development should be “yes”, as the first step on the way to delivering brownfield passports.**”*

11. It must be recalled, however, that the Government is not proposing to change all elements of the planning system. For instance, no revisions are proposed to:

- a) Section 15 of the NPPF “Conserving and Enhancing the Natural Environment”;
- b) The right to submit an Outline Application to establish the acceptability in principle of development; or
- c) The use of Grampian Conditions.

## **THE MOST RELEVANT PROPOSED CHANGES TO THE 2024 NPPF**

12. Paragraph 1 of the CV NPPF confirms that it “... sets out the Government's planning policies for England and how these should be applied”, whilst Paragraph 2 reaffirms that, once published, it will be “... a material consideration in planning decisions”.
13. The following sections of the CV NPPF are assessed below and in the following order:
  - Section 2 Achieving Sustainable Development;
  - Section 5 Delivering a Sufficient Supply of Homes;
  - Section 9 Promoting Sustainable Transport;
  - Section 13 Protecting the Green Belt;
  - Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change;
  - Section 15 Conserving and Enhancing the Natural Environment;
  - Section 3 Plan Making; and
  - Section 4 Decision Making.

### **Section 2 Achieving Sustainable Development**

14. Paragraph 7 of the CV NPPF states that “the purpose of the planning system is to contribute to the achievement of sustainable development ...”; and Paragraph 11 proposes to reaffirm that “... decisions should apply a presumption in favour of sustainable development”.
15. Because a revised method for calculating housing need is proposed and this would generate a significant increase for St Albans (see paragraph 18 below), if the CV NPPF were to be adopted, the Council would have an even greater shortfall in the supply of deliverable housing sites.

Consequently, the “tilted balance” provided for by Paragraph 11(d) of the NPPF would be even more emphatically engaged.

16. Paragraph 14 of the CV NPPF (which is potentially relevant because of the St Stephen Neighbourhood Plan), would not be engaged because neither 14(a) nor 14(b) apply.

### **Section 5 Delivering a Sufficient Supply of Homes**

17. Paragraph 61 of the CV NPPF underlines the new Government’s commitment to addressing the housing crisis by building more homes. In particular:

- a. The current NPPF states as follows:

*“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”*  
(emphasis added)

- b. The CV NPPF, however, states as follows, removing the qualifying words underlined above:

*“The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.”*

18. In full accordance with the WMS (Appendix 2, p.2), the Government proposes, in Paragraph 62 of the CV NPPF, that use of a standard method for identifying housing need will become “*mandatory*” rather than advisory. The “Outcome of the Proposed Revised Method”, published as part of the consultation, identifies the housing need for St Albans as 1,544 dwellings per annum<sup>1</sup> instead of the capped figure of 888 dpa that currently applies. If adopted as Policy, this would be a step-change in the numbers which would further emphasise the very substantial weight that should be afforded to the benefit of new housing delivered by the Appeal Scheme.
19. The Government’s reason for seeking to revise policy is set out in the consultation document (Appendix 3, Chapter 3 [5]):

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<sup>1</sup> “Outcome of the Proposed Revised Method” - St Albans (ONS Code: E07000240)

*“We propose making it very clear that local planning authorities should use the standard method to assess housing needs, by removing reference to the exceptional circumstances in which the use of alternative approaches to assess housing need may be appropriate. The current policy adds uncertainty about when to use the standard method and can delay plan progress as local planning authorities seek to demonstrate that exceptional circumstances apply. The current approach also provides too much leeway to local planning authorities to not meet their housing needs in full, risking our ambitions for housing growth. Removing these opt outs will stop debates about the right number of homes to plan for and support authorities to get on with plan making.”*

20. Revisions are also proposed in Paragraph 63 of the CV NPPF to specifically identify those in need of social rent affordable housing as a group that should be catered for. The final affordable housing mix of the Appeal Scheme is to be agreed with the Council at the Reserved Matters stage, as set out in the Affordable Housing Statement (CD 1.24 [3.2]) and confirmed in the signed S106 Agreement (Schedule 2). This can, of course, include ‘social rent’.
21. Paragraph 64 of the CV NPPF continues to expect LPAs to adopt planning policies which specify the type of affordable housing required from schemes. There are no such policies in the 1994 Local Plan (CD 12.1, p.8 under ‘Housing’). The Emerging Local Plan has a draft policy (HOU2) which is considered in paragraph 56 below.
22. If adopted as proposed, Paragraph 66 of the CV NPPF would allow a decision-taker to require major schemes to meet an identified affordable housing need. That the Appeal Scheme meets identified needs was demonstrated by the evidence of Annie Gingell (CD 2.6 and Appendices). The Council agrees that *“there is an identified local need for market housing, affordable housing and self-build housing that is not being met”* (CD 12.2 [4.2]).
23. Paragraph 69 of the CV NPPF proposes to set out the benefits of *“mixed tenure sites”* such as the Appeal Site.
24. Paragraphs 76 – 79 of the CV NPPF, propose to reaffirm the importance of maintaining the required supply of housing. The Inquiry has heard that the Council can only deliver a 1.7 years’ supply of housing at 888 dpa. If a target of 1,544 dpa is applied, the shortfall would worsen significantly.



25. In the context of a persistent and worsening housing crisis, the implication of Section 5 of the CV NPPF, if adopted as proposed, would add even more weight in favour of the Appeal Scheme in the context of a “tilted balance” – a concept the Government is committed to retaining (Appendix 3, Chapter 3 [14]).

### **Section 9 Promoting Sustainable Transport**

26. If adopted, Paragraph 112a of the CV NPPF would require “*A vision led approach*” to take into account the type and location of development. This new approach would focus on “*the outcomes desired*” rather than the present computer-says-no mindset reliant on predict-and-provide and/or “*worst case scenarios*” (Appendix 3, Chapter 8 [7]).
27. If adopted, a revised Paragraph 112 would be a particularly important change, given that:
- a) The Appeal Scheme promotes safe walking for new and existing residents by providing a footpath where none currently exists;
  - b) The footpath takes account of the location by not changing the rural nature of Lye Lane; and yet
  - c) Hertfordshire County Council objects to the footpath, in part, because its rigid policy insists on the provision of a cycleway, too, even though there is no room for one.
28. Paragraph 113 of the CV NPPF proposes to reiterate that “*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe ...*”. However, the following caveat is now proposed: “*... in all tested scenarios*”. If adopted, this caveat would challenge the “*simplistic ‘predict-and-provide’ pattern*” (Appendix 3, Chapter 8 [6]).
29. The Appellant’s highways consultants, informed by a Road Safety Audit (ID2), concluded that there will be neither an unacceptable impact on highway safety nor a severe impact on the road network.

30. If adopted as proposed, the revisions to this Section of the CV NPPF would clearly support the Appellant’s case set out at the Inquiry and challenge the inflexibility of Hertfordshire County Council.

### **Section 13 Protecting the Green Belt**

31. Some of the most significant revisions proposed to the NPPF are in respect of long-standing Green Belt policy which the Government clearly considers to be out-of-date – see, respectively, the WMS (Appendix 2, p.2) and the consultation document (Appendix 3, Chapter 5 [2]):

#### The WMS

*“... a Green Belt designed for England in the middle of the twentieth century now must be updated for an England in the middle of the twenty first”;*

#### The Consultation Document

*“This government recognises the important role the Green Belt plays in preventing urban sprawl and remains committed to its continued protection but we must review the post-war Green Belt policy to make sure it better meets the needs of present and future generations.”*

32. Acknowledging that the Green Belt *“is not an environmental designation or a marker of any environmental importance”* (Appendix 3, Chapter 5 [4]), the Government seeks to deliver more homes on it by focusing on brownfield land and a new concept of ‘grey belt’.
33. The five purposes of the Green Belt (covered in detail by the parties at the Inquiry) are proposed to remain the same.

#### Green Belt Plan-Making

34. Whilst Paragraph 142 of the CV NPPF proposes to reaffirm that Green Belt boundaries should only be changed in *“exceptional circumstances”*, in what would be a step-change for plan-making, the CV NPPF proposes that such circumstances should include *“instances where an authority cannot meet its identified need for housing ...”*. That has been the situation in St Albans since 2013, more than a decade.

35. In such circumstances, Paragraph 142 of the CV NPPF proposes to add as follows:

*“... authorities should review Green Belt boundaries and propose alterations to meet these needs in full, unless the review provides clear evidence that such alterations would fundamentally undermine the function of the Green Belt across the area of the plan as a whole.”*

36. Reflecting the WMS’s commitment to brownfield first, proposed Paragraph 144 of the CV NPPF states that:

*“Where it is necessary to release Green Belt land for development, plans should give first consideration to previously-developed land in sustainable locations, then consider grey belt land in sustainable locations which is not already previously-developed, and only then consider other sustainable Green Belt locations.”*

37. Proposed Paragraph 147 of the CV NPPF would, if adopted, require that:

*“Where Green Belt land is released for development through plan preparation or review, development proposals on the land concerned should deliver the contributions set out in paragraph 155 below.”*

38. The reasoning behind these proposed changes is set out in the consultation document (Appendix 2, Chapter 5 [16-18]), including as follows [17]:

*“We remain clear that brownfield sites should be prioritised, and our proposed changes to developing PDL in the Green Belt (outlined above) reinforce this commitment. **To support release in the right places, we propose a sequential test to guide release.** This will ask authorities to give first consideration to PDL within in the Green Belt, before moving on to other grey belt sites, and finally to higher performing Green Belt sites where these can be made sustainable.”*

39. Given the importance of identifying brownfield land and grey belt sites, if the CV NPPF is adopted as envisaged, it must be expected that those conducting the next Green Belt Review

will, as a minimum, visit all potential sites and assess them properly – something which Arup did not do in relation to the Appeal Site<sup>2</sup>.

### Green Belt Decision-Making

40. The ‘Very Special Circumstances’ test (relocated to Paragraph 150 of the CV NPPF), is not proposed to be changed and would apply to any scheme which fails the revised exemption criteria set out in Paragraphs 151 of the CV NPPF and the new test in Paragraph 152.

41. Crucially, and wholly on point for the Inquiry, the Government intends as follows (Appendix 3, Chapter 5 [6]):

*“... to relax the restrictions that are currently applied to PDL and limited infilling in the Green Belt in paragraph 154g of the current NPPF, to make clear that development is ‘not inappropriate’ where it would not cause substantial harm to the openness of the Green Belt.”*

42. Consequently, if adopted, Paragraph 151 g of the CV NPPF will be very different. Both of the current sub-clauses would be removed, so that references to *“greater impact on the openness of the Green Belt”* and to *“affordable housing”* would no longer exist. The only reasonable explanation for the Government relaxing *“the restrictions”* is because it regards them as *“detrimental to housing supply”* and that a *“different, growth-focussed approach”* is needed (see paragraph 7 above).

43. The proposal is to apply a single test: *“substantial harm to the openness of the Green Belt”*. Consequently, if adopted as proposed, any scheme for the *“limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings)”* which causes less than substantial harm to the openness of the Green Belt would be appropriate development.

44. At this point, two submissions that have been made to the Inquiry must be recalled:

a) First, that Inspector Woodward identified *“substantial harm”* as a *“high bar”* (CD 5.6 [17]); and

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<sup>2</sup> Arup expressly confessed that they did not visit the Appeal Site, SA-128 (CD 8.11.1 [p.56 under Purpose 3]).

- b) Secondly, that Mr Hughes identified “*substantial*” as the highest level of harm that could be attributed (CD 12.2 [8.0]).
45. Consequently, if the harm caused by the Appeal Scheme is “*less than substantial*” (i.e. less than the “*high bar*” or the “*highest level of harm*” as identified above), then, under the CV NPPF as currently proposed:
- a) The Appeal Scheme would be appropriate development in the Green Belt and ‘very special circumstances’ would not be required; and
  - b) Because the affordable housing contribution would no longer be required to make the scheme appropriate, it would add even more weight to the benefits in the planning balance. (Mr Hughes’ assertion that, absent an affordable housing contribution of 35%, the proposal would conflict with the Local Plan: (a) was wrong because the Local Plan has no such Policy; (b) misunderstood that 154g of the current NPPF only requires a “contribution” to affordable housing need; and (c) would be made redundant if proposed Paragraph 151g is adopted).
46. Paragraph 152 of the CV NPPF proposes to introduce a new and additional form of appropriate development:
- a) The phrase “*in addition to the above*” clearly confirms that the criteria set out in proposed Paragraphs 152 and 155 are not intended to apply to “*the above*”, i.e. to the appropriate forms of development in Paragraph 151 of the CV NPPF;
  - b) To be clear, therefore, unlike schemes permitted under Paragraph 151g, schemes may be allowed under proposed Paragraph 152 even if they cause substantial harm to the openness of the Green Belt, provided they deliver the elements required by proposed Paragraph 155.
47. Consequently, whilst the Appellant’s case remains that the Appeal Scheme qualifies under the current NPPF, that case would be even more robust if proposed Paragraph 151g were to apply.

Furthermore, the Appeal Scheme may also qualify as appropriate development under proposed Paragraphs 152 and 155 of the CV NPPF as well:

- a) 152a – because it is PDL, the site would qualify as grey belt land<sup>3</sup>; it is made a sustainable location by the footpath; it may be able to provide the Paragraph 155 contributions; and its development would not fundamentally undermine the function of the Green Belt;
- b) 152b – the Council cannot demonstrate a 5 YHLS;
- c) 152c – the development may accord with Paragraph 155 as set out immediately below;
- d) 155a – the scheme offers 35% affordable housing which is very likely to be acceptable “*subject to viability*”<sup>4</sup>;
- e) 155b – the footpath is a necessary improvement to local infrastructure; and
- f) 155c – noting, first, that there are no changes to Open Space section of the CV NPPF (Paragraphs 100 – 105):
  - i. There is no “Green Space” policy in the Local Plan outside of its settlements. Paragraph xi of Policy 70 “Design and Layout of New Housing” requires new housing developments to deliver Open Space<sup>5</sup>, including public open space. Each Indicative Layout for the Appeal Scheme is in full compliance with 70 (xi) and the delivery is guaranteed *via* the signed S106 Agreement (Schedule 3).

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<sup>3</sup> The NPPF definition states: “*For the purposes of plan-making and decision-making, ‘grey belt’ is defined as land in the green belt comprising Previously Developed Land and any other parcels and/or areas of Green Belt land that make a limited contribution to the five Green Belt purposes (as defined in para 140 of this Framework), but excluding those areas or assets of particular importance listed in footnote 7 of this Framework (other than land designated as Green Belt).*”

<sup>4</sup> The Council currently considers that an affordable housing contribution of 35% is all that can be secured from greenfield schemes to ensure viability but is seeking to raise this to 40% in its Emerging Local Plan (Draft Policy HOU2). Given that two brownfield schemes in St Albans (Ref: 5/2017/1149 for 74 apartments and Ref: 5/2021/1972 for 32 dwellings) have been approved without delivering any affordable housing following viability assessments, it is not unreasonable to expect the Appeal Scheme to qualify under proposed Paragraph 155a.

<sup>5</sup> The NPPF defines Open Space as “*All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.*”

- ii. In respect of Natural England, its target is for *“everyone to have access to and benefit from good quality green and blue spaces within 15 minutes’ walk from home”* (Green Infrastructure Standards for England - Summary addition, January 2023 [Foreword, p.4]). In addition to the onsite open/green space, the new footpath would provide safe access south along Lye Lane to the Local Wildlife Site (eastern side) and the Woodbury Field Playground (western side) both within 5 minutes’ walk.
48. If, however, any proposed Green Belt development was to be considered “inappropriate” under the CV NPPF, the ‘Very Special Circumstances’ test (Paragraphs 149/150), are proposed to remain unchanged.

#### **Section 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change**

#### **Section 15 Conserving and Enhancing the Natural Environment**

49. Nothing relevant to the Appeal Inquiry (drainage and flood risk, and the ancient woodlands north and south of the M25) is proposed to be changed in the CV NPPF. Thus, the cases of the parties are as already put to the Inquiry.

#### **Section 3 Plan-Making**

50. The proposed changes to this Section relate to strategic planning and collaboration and are not directly relevant to the Appeal Scheme.
51. However, given the Council’s identified housing need figure may rise so significantly (see paragraph 18 above), it is important to consider the potential implications for St Albans’ Emerging Local Plan (the ELP).
52. On 29<sup>th</sup> August 2024, the Council announced that it would accelerate its timetable for consultation and examination of its ELP *“in light of the proposed changes to national planning law”*<sup>6</sup>. The reason given was to avoid being *“forced to delay submission by 2-3 years in order to identify sites for a further 11,000 homes that the new government proposals require”*<sup>7</sup>.

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<sup>6</sup> “Council speeds up its Local Plan process”. Council press release 29<sup>th</sup> August 2024.

<sup>7</sup> Ibid

53. On Monday of this week, 23<sup>rd</sup> September, the Planning Committee met, at which Meeting:
- a) the Green Belt Review and Regulation 18 Site Allocations – and the hundreds of critiques of them – were reviewed for the first time; and.
  - b) the Council voted to proceed to Regulation 19 Consultation, with the aim of submitting the ELP for examination in December 2024.
54. Such haste, however, would not diminish the Council’s responsibility to meet its obligations under the CV NPPF if adopted as proposed. That is because, even if the ELP qualifies as being “*at examination*” within a month of the NPPF being published, the proposed transitional arrangements state (Appendix 3, Chapter 12 [5]):
- “... if the revised LHN figure is more than 200 dwellings per annum higher than the annual housing requirement set out in the adopted version of the plan, upon introduction of the new plan-making system, the local planning authority will be required to begin preparation of a plan under the new system as soon as possible, or in line with any subsequent arrangements set out to manage the roll-out of the new system.”*
55. If St Albans’ revised LHN figure is indeed 650 dpa higher than the ELP currently plans, a new Green Belt Review would be required “*as soon as possible*” to identify the additional sites needed to meet that need in full: starting with brownfield land.
56. Unlike the current Local Plan, the ELP (via Draft Policy HOU2), does seek affordable housing on large sites in the Green Belt and also sets out the mix of affordable homes sought (60% open market, 24% affordable rent and 16% affordable home ownership). It must be noted that the 40% affordable housing contribution sought from greenfield Green Belt sites in the ELP, is significantly lower than the proposed 50% requirement in the CV NPPF.
57. Furthermore, there can be no confidence that the latest ELP will be found to be sound given the Council’s persistent inability to replace its 30-year-old Plan (CD 2.4 [6.2]), the significant and



serious objections to the Regulation 18 ELP and the Council's admission at the Planning Committee on 23<sup>rd</sup> September that<sup>8</sup>:

*“The accelerated timescale to Submission (intended on 2 December 2024) means that there will be less time to undertake work to support Submission of the Plan and Examination, which raises the risk of having to withdraw the Plan at Examination. This is primarily because, at point of Submission in December 2024, rather than the end of March 2025:*

*1 - There will realistically be fewer agreed and signed Statements of Common Ground to assist the Inspectors.*

*2 – There will realistically be fewer and less extensive Topic Papers to assist the Inspectors.*

*3 – There will realistically be less time preparing responses to Objections or concerns raised at Reg 19 stage to assist the Inspectors.”*

58. If found unsound, the consultation document explains as follows (Appendix 3, Chapter 10 [8]):

*“Local planning authorities that fail to do what is required to get their plan in place, or keep it up to date, would be at risk of government intervention.”*

#### **Section 4 Decision Making**

59. Paragraph 39 of the CV NPPF proposes to reaffirm that *“Decision-makers at every level should seek to approve applications for sustainable development where possible”*. This is, quite deliberately, not restricted to LPAs. Planning Inspectors and the Secretary of State, too, are required to be *“positive and creative”* when considering applications that contribute towards unmet housing need.

60. Finally, on Section 2 of the CV NPPF, and as referenced above, nothing is proposed in Paragraphs 56 or 57 to indicate any changes to the concept or application of Grampian Conditions.

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<sup>8</sup> Officer Report to the Committee *“Draft Local Plan for Regulation 19 Consultation”*, paragraph 3.28

## **CONCLUSION**

61. The new Government is proposing to revise the NPPF to make LPAs plan for many more new houses and to make it easier for decision-makers to grant permission for them, including in the Green Belt and, especially, on brownfield land. In particular, and relevant to the Appeal Scheme, the proposed changes, if adopted, would mean that St Albans would be required to find sites for circa 11,000 more dwellings, with brownfield land the first port of call.
  
62. This is the real-world planning context in which an Inquiry into the Council's objection to new homes on a brownfield site in the middle of a housing crisis, will resume on 24<sup>th</sup> October.

**Brian Parker**

**BA MSc MRTPI**

**September 2024**

Appendix 1 – Proposed Revised NPPF

Appendix 2 – Written Ministerial Statement 'Building the homes we need'

Appendix 3 – The consultation document - "Proposed reforms to the National Planning Policy Framework and other changes to the planning system"