



PINS NOTE 09/2014r4

To: All Inspectors (England)

Date of Issue: 21 July 2014

Currency: Indefinite

Last updated: 13 December 2016 – Information added regarding the length of the recovery period

Neighbourhood Planning and Major Housing Appeals

Background

1. Inspectors are aware that one of the provisions of the Localism Act 2011 was that local communities were given the opportunity to draw up Neighbourhood Plans, to help shape the development of the area in which the community lives.
2. As at the date of this Note, over 1,000 Neighbourhood Plans are at various stages of development across England, and inevitably are starting to be a consideration in planning appeals, most especially where major housing (i.e. 10+ dwellings) is involved.
3. Ministers see Neighbourhood Plans as an essential tool in the planning process. To this end, on 10 July 2014 a Written Ministerial Statement was made announcing that any appeal involving major housing proposals where the site is within, or close to, a Neighbourhood Plan area will be considered for recovery where the Plan has been submitted to the LPA, or has been made.
4. On 9 July 2015, the recovery period was [extended](#) until **9 January 2016**. On 11 January 2016 the recovery period was further [extended](#) until **11 July 2016**. On 7 July 2016 the recovery period was [extended](#) again until **7 January 2017**, and a limitation placed on the criteria so that it includes proposals of more than 25 units in areas where a qualifying body has submitted a neighbourhood plan to the local authority but the relevant plan has not yet been made. The written statement also states that this would not however preclude Ministers from exercising their discretion to recover any other appeal which fell outside these parameters if it was appropriate under any of the other criteria set out in the WMS of 30 June 2008. On 12 December 2016 the recovery period was further [extended](#) to 12 June 2017.

5. LPAs are being asked to flag whether Neighbourhood Planning is an issue via a supplementary question to the Questionnaire. And Case Officers are being asked to carefully scrutinize appeals for any reference to a Neighbourhood Plan during the course of an appeal and to refer affected appeals up the line. And PINS and CLG are investigating more technical solutions to identifying affected appeals.

Action

6. In the meantime and notwithstanding the above steps, Neighbourhood Plans can progress quite quickly and by the time Inspectors receive the file for a major housing proposal, any draft Neighbourhood Plan might have been submitted to the LPA, but without PINS being informed. Thus, for Inspectors, if the appeal site is within, or close to, a Neighbourhood Plan area which has been submitted to the LPA, or has been made, please can Inspectors get in touch with XXXX. This is so that, as mentioned in para 3 above, consideration can be given to recovering the appeal.
7. It goes without saying that every effort will be made in the office to identify, and recover (with an increase in Reporting), affected appeals before they reach Inspectors. But you need to be aware of the importance attached by Ministers to Neighbourhood Planning, and the need to ensure, as far as we are able, that any affected appeal is considered for recovery before a decision is issued.
8. For the avoidance of doubt, only major housing appeals will be affected.
9. Any queries about this Note should be addressed to XXXX in relation to policy, or XXXX for casework queries.