



PINS NOTE 10/2017r1

To: All Inspectors (England)

Relevancy: All Planning casework

Date of Issue: 11 August 2017

Currency: review on 12 February 2018

Last updated: 14 August 2017: Paragraphs 2 & 3 added, regarding Inspectors ensuring that their decisions reflect the revised guidance, where relevant.

Neighbourhood Planning: PPG amendment

Action

1. Inspectors should be aware of the [recently updated paragraph 083 of the Planning Practice Guidance \(PPG\)](#) under the sub-heading: "How should planning applications be decided where there is a neighbourhood plan in force but the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites?" (Reference ID: 41-083-20170810).
2. Inspectors must ensure that their decisions have regard to the revised guidance, where relevant.
3. Inspectors must also assess whether any decisions that have already been sent for despatch, but have not yet been issued, are affected (and thus may need to be reviewed) by this change to the Guidance, as it has taken immediate effect.
4. Paragraph 083 has been updated to refer to the Supreme Court's judgment in [Suffolk Coastal District Council v Hopkins Homes Ltd and SSCLG; Richborough Estates Partnership LLP and SSCLG v Cheshire East Borough Council \[2017\] UKSC 37](#) and specifically that it is not necessary to determine whether a policy is a "relevant policy for the supply of housing" in paragraph 49 of the [National Planning Policy Framework](#), and deem it "out-of-date" in order to determine the weight that is attached to that policy, and that weight is a matter of planning judgement for the decision-maker.

5. The updated guidance mentions that in circumstances where the development plan is absent, silent or relevant policies are out of date, paragraph 14 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or restrictive policies in the Framework indicate development should be restricted.
6. The guidance goes on to state that in this situation, when assessing the adverse impacts of the proposal against the policies in the Framework as a whole, decision makers should include within their assessment those policies in the Framework that deal with neighbourhood planning. This includes paragraphs 183–185 and paragraph 198 of the Framework.
7. The guidance refers to paragraph 198 of the Framework, which states that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted, and states that in determining applications, decision-makers should take into account the impact of granting permission for an application that conflicts with a neighbourhood plan.
8. The updated paragraph concludes by stating that where the criteria in [the Written Ministerial Statement](#) apply, decision-makers should give significant weight to the Neighbourhood Plan, notwithstanding the fact that the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Background

9. PINS Note 09/2016 provides background on the Written Ministerial Statement of 12 December 2016 and its implications for Inspectors.

Contacts for further information

10. Salaried Inspectors should contact XXXX (Planning casework), XXXX (Enforcement casework), XXXX (Plans casework) for advice on individual cases. NSIs should contact XXXX in the first instance.
11. Salaried Inspectors should contact XXXX regarding any general queries on this Note.