

The Planning Inspectorate

PINS NOTE 29/2011

To: All Inspectors

Date of Issue: 22 August 2011

Currency: review at 6 months after issue

Planning For Schools Development: Policy Statement

Background

1. On 15 August 2011 DCLG's Chief Planner, Steve Quartermain, wrote to Chief Planning Officers in English LPAs informing them that the Secretary of State for Communities & Local Government and the Secretary of State for Education have issued a new policy statement on planning for schools development. The statement is "designed to facilitate the delivery and expansion of state-funded schools through the planning system in response to the Government's strong commitment to improving state education". The statement, which supersedes the statement of 26 July 2010, applies to both change of use development and operational development necessary to the operational needs of the school.
2. The statement makes clear "that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and that the following principles should apply:
 - **There should be a presumption in favour of the development of state-funded schools, as expressed in the draft National Planning Policy Framework.**
 - **Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions.** The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.
 - **Local authorities should make full use of their planning powers to support state-funded schools applications.** This should include engaging in pre-application discussions with promoters to foster a collaborative approach to applications and, where necessary, the use of planning obligations to help to mitigate adverse impacts and help deliver development that has a positive impact on the community.

- **Local authorities should only impose conditions that clearly and demonstrably meet the tests set out in Circular 11/95.** Planning conditions should only be those absolutely necessary to making the development acceptable in planning terms.
- **Local authorities should ensure that the process for submitting and determining state-funded schools' applications is as streamlined as possible,** and in particular be proportionate in the information sought from applicants. For instance, in the case of free schools, authorities may choose to use the information already contained in the free school provider's application to the Department for Education to help limit additional information requirements.
- **A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the LPA.** Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.
- **Appeals against any refusals of planning permission for state-funded schools should be treated as a priority.** Where permission is refused and an appeal made, the Secretary of State will prioritise the resolution of such appeals as a matter of urgency in line with the priority the Government places on state education.
- **Where a local planning authority refuses planning permission for a state-funded school, the Secretary of State will consider carefully whether to recover for his own determination appeals against the refusal of planning permission."**

Action

3. The Secretaries of State's policy statement takes immediate effect. Inspectors should, in relevant casework, give full regard to the principles in the statement and, in particular, that significant weight should be attached to the need to establish and develop state-funded schools when determining applications and appeals. Inspectors should consider whether it is necessary to seek the parties' views on the statement in cases involving school development where it is likely to be material to the decision and they have not already done so.
4. PINS is considering what administrative action needs to be taken to ensure appeals involving state-funded schools are treated as a priority as highlighted in the statement.
5. PINS Note 1181 is cancelled.
6. Please contact XXXX if you have any queries on this Note.

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Director of Strategy, Quality & Plans