

# Planning Policy Guidance 1: General policy and principles

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## **Introduction**

**1.** A key role of the planning system is to enable the provision of homes and buildings, investment and jobs in a way which is consistent with the principles of sustainable development. It needs to be positive in promoting competitiveness while being protective towards the environment and amenity. The policies which underpin the system, summarised in the Note, seek to balance these aims. It will frequently be the case, in relation to a particular development proposal, that several economic, environmental, social or other factors need to be taken into account. This requires a framework which promotes consistent, predictable and prompt decision-making.

**2.** At the heart of this framework are development plans which aim to give a measure of certainty and predictability to the system. Section 54A of the 1990 Act requires that, where the development plan contains relevant policies, applications for development which are in accordance with the plan shall be allowed unless material considerations indicate otherwise. For the planning system to be effective, comprehensive coverage of up-to-date development plans is essential.

**3.** This Note begins by discussing sustainable development, mixed use and design, three themes which underpin the Government's approach to the planning system. It then provides a number of policy messages in relation to various particular land uses. More detailed guidance is given in the other Government planning policy notes and good practice guides listed in Annex B. Finally, it sets out the operational principles to be observed in the planning system.

## The Government's Approach To Planning

### *Sustainable development*

4. Sustainable development seeks to deliver the objective of achieving, now and in the future, economic development to secure higher living standards while protecting and enhancing the environment. The most commonly used definition is "development that meets the needs of the present without compromising the ability of future generations to meet their own needs" (World Commission on Environment and Development, 1987). The Government is committed to the principles of sustainable development set out in *Sustainable Development: The UK Strategy* (1994).

5. The *Strategy* recognises the important role of the planning system in regulating the development and use of land in the public interest. A sustainable planning framework should:

- provide for the nation's needs for commercial and industrial development, food production, minerals extraction, new homes and other buildings, while respecting environmental objectives;
- use already developed areas in the most efficient way, while making them more attractive places in which to live and work;
- conserve both the cultural heritage and natural resources (including wildlife, landscape, water, soil and air quality) taking particular care to safeguard designations of national and international importance; and
- shape new development patterns in a way which minimises the need to travel.

6. The Government's planning guidance notes set out the policy framework within which local planning authorities are required to draw up their development plans and take decisions on individual applications to secure these objectives.

7. Urban regeneration and re-use of previously-developed land are important supporting objectives for creating a more sustainable pattern of development. The Government is committed to:

- concentrating development for uses which generate a large number of trips in places well-served by public transport, especially town centres, rather than in out-of-centre locations; and
- preferring the development of land within urban areas, particularly on previously-developed sites, provided that this creates or maintains a good living environment, before considering the development of greenfield sites.

### *Mixed use*

8. Within town centres, but also elsewhere, mixed-use development can help create vitality and diversity and reduce the need to travel. It can be more sustainable than development consisting of a single use. Local planning authorities should include policies in their development plans to promote and retain mixed uses, particularly in town centres, in other areas highly accessible by means of transport other than the private car and in areas of major new development. What will be appropriate on a particular site will be determined by the characteristics of the area - schemes will need to fit in with, and be complementary to, their surroundings - and the likely impact on sustainability, overall travel patterns and car use. The character of existing residential areas should not be undermined by inappropriate new uses.

**9.** Major mixed-use developments which would attract a significant number of trips should be in locations which are well served by public transport, have adequate infrastructure and are properly integrated, in terms of land use and design, with surrounding areas.

**10.** Development plans should identify individual sites where development should incorporate a mixture of uses, with a suitable justification, and itemise those uses considered desirable. The plan should also indicate if conditions and planning obligations are likely to be used to secure an appropriate mixture of uses or to ensure that certain parts of a scheme are implemented as proposed. Planning and development briefs should be used, where relevant, to give further details of what is sought for a site. Alternatively, plans can designate an area, such as a town centre, where developments on suitable sites would be expected to incorporate a mixture of uses. This should include a list of those uses which are considered appropriate. Applications for single uses in such designated areas would need to be justified either in terms of their non-suitability for mixed-use development or in terms of their contribution to the overall mixture of uses within the area. Proposals for major mixed-use developments should be included in the local plan.

**11.** It may be appropriate to give firm guidance in the development plan about the type, amount, design and phasing of development. However, the details of the development will be a matter for negotiation between the local planning authority and potential developers. Local planning authorities and developers should adopt a realistic approach to achieving mixed-use development. In order to encourage mixed-use development, local planning authorities may need to adopt a flexible approach to planning standards, including, for example, reducing the level of parking provision and allowing increased densities, while having regard to the availability of alternative modes of transport, residential amenity and the needs of local businesses.

**12.** The planning system can be used to deliver high-quality, mixed-use developments, such as "urban villages". Built on large sites, usually within urban areas, they are characterised by:

- compactness;
- a mixture of uses and dwelling types, including affordable housing;
- a range of employment, leisure and community facilities;
- appropriate infrastructure and services;
- high standards of urban design;
- access to public open space and green spaces; and
- ready access to public transport.

Local planning authorities should consider whether this represents an appropriate form of development for any part of their area. However, there will be no universal blueprint. Opportunities will vary and proposals may need to incorporate existing development or be founded on an amalgamation of smaller sites. This approach might also help to improve an existing residential area of poor quality through the gradual introduction of some or all of the urban village characteristics mentioned above.

### ***Design***

**13.** New buildings and their curtilages have a significant effect on the character and quality of an area. They define public spaces, streets and vistas and inevitably create the context for future development. These effects will often be to the benefit of an area but they can be detrimental. They

are matters of proper public interest. The appearance of proposed development and its relationship to its surroundings are therefore material considerations in determining planning applications and appeals. Such considerations relate to the design of buildings and to urban design. These are distinct, albeit closely interrelated subjects. Both are important. Both require an understanding of the context in which development takes place whether in urban or rural areas.

**14.** For the purposes of this Guidance, urban design should be taken to mean the relationship between different buildings; the relationship between buildings and the streets, squares, parks, waterways and other spaces which make up the public domain; the nature and quality of the public domain itself; the relationship of one part of a village, town or city with other parts; and the patterns of movement and activity which are thereby established: in short, the complex relationships between all the elements of built and unbuilt space. As the appearance and treatment of the spaces between and around buildings is often of comparable importance to the design of the buildings themselves, landscape design should be considered as an integral part of urban design.

**15.** Good design should be the aim of all those involved in the development process and should be encouraged everywhere. Good design can help promote sustainable development; improve the quality of the existing environment; attract business and investment; and reinforce civic pride and a sense of place. It can help to secure continued public acceptance of necessary new development.

**16.** Applicants for planning permission should be able to demonstrate how they have taken account of the need for good design in their development proposals and that they have had regard to relevant development plan policies and supplementary design guidance. This should be done in a manner appropriate to the nature and scale of the proposals.

**17.** Local planning authorities should reject poor designs, particularly where their decisions are supported by clear plan policies or supplementary design guidance which has been subjected to public consultation and adopted by the local planning authority. Poor designs may include those inappropriate to their context, for example those clearly out of scale or incompatible with their surroundings.

**18.** Local planning authorities should not attempt to impose a particular architectural taste or style arbitrarily. It is, however, proper to seek to promote or reinforce local distinctiveness particularly where this is supported by clear plan policies or supplementary design guidance. Local planning authorities should not concern themselves with matters of detailed design except where such matters have a significant effect on the character or quality of the area, including neighbouring buildings. Particular weight should be given to the impact of development on existing buildings and on the character of areas recognised for their landscape or townscape value, such as National Parks, Areas of Outstanding Natural Beauty and Conservation Areas.

**19.** Where the design of proposed development is consistent with relevant design policies and supplementary design guidance, planning permission should not be refused on design grounds unless there are exceptional circumstances. Design policies and guidance should focus on encouraging good design and should avoid stifling responsible innovation, originality or initiative. Such policies and guidance should recognise that the qualities of an outstanding scheme may exceptionally justify departing from them.

**20.** Further guidance on the expression of design policies in development plans and supplementary design guidance, and on the information relating to design which should be submitted with planning applications, is contained in Annex A.

## **Key Policy Objectives**

### *Planning for industry and commerce*

**21.** One of the Government's key aims is to encourage continued economic development in a way which is compatible with its stated environmental objectives. Industry and commerce have always sought locational advantage in response to various external factors. It is therefore important that the locational needs of businesses are taken into account in the preparation of development plans. In defining suitable locations for development, plan policies should take into account:

- the contribution to regenerating existing urban areas;
- access to customers;
- access to raw materials and suppliers;
- links with other businesses and the special needs of small businesses;
- the workforce catchment area;
- the availability of adequate infrastructure; and
- various transport considerations including the particular needs of the freight industry.

**22.** Development plans should also:

- encourage new enterprise and investment by setting out clear land-use policies for industrial and commercial development;
- provide for new development which will be consistent with the goals for transport policy outlined below; and
- ensure that new development is compatible with the objectives of sustainable development including the re-use of previously developed land and clean air.

### *Land use and transport*

**23.** In order to achieve sustainable patterns of development and to help reduce the environmental impacts of transport, local authorities should integrate their transport programmes and land-use policies in ways which help to:

- reduce growth in the length and number of motorised journeys;
- encourage alternative means of travel which have less environmental impact; and hence
- reduce reliance on the private car.

The key objectives for the planning system are to:

- influence the location of different types of development relative to transport (and vice versa); and
- foster forms of development which encourage walking, cycling and public transport use.

### *Planning for housing*

**24.** In preparing their development plans, local planning authorities should consider the land-use requirements of various types of social provision. For housing, the key objectives for the location of development and the allocation of land are:

- to ensure that the planning system identifies an adequate and continuous supply of housing land to meet future requirements which is both available and sustainable;
- to make effective use of land within urban areas, by allocating the maximum amount of housing to previously-developed sites within existing larger urban areas, which have access to a range of transport and other facilities, whilst protecting open space, playing fields and green spaces in cities and towns;
- outside urban or village areas, to promote land for housing in locations which are or will be well served by public transport and with good access to employment and a range of services including leisure, shopping, education and health facilities;
- to provide a mixture and range of types of housing to meet the increasingly varied types of housing requirements, including the need for affordable housing; and
- to ensure that housing is available where jobs are created.

**25.** Regional planning guidance should provide clear advice on the scale and distribution of provision by county and metropolitan district for new housing to be made in development plans over a 15 year period, and may give an indication of provision for a further 5 years. Structure plans should split this provision into district allocations for local plans. Local planning authorities should aim to ensure the availability of 5 years' supply of housing land in local plans and unitary development plans. This should relate to the scale and location of development provided for in structure plans. It should take into account allowances for unimplemented permissions and unexpected additional sites as well as the scope for converting houses or non-residential buildings into flats. In London, a different approach is taken where housing requirements are based on an assessment of capacity.

### ***The importance of town centres***

**26.** Town centres, a term which includes city centres, town centres and suburban centres, are important to the quality of life in our towns and cities and play a key role in delivering sustainable development. The Government's objectives, therefore, are:

- to sustain and enhance the vitality and viability of town centres;
- to maintain an efficient, competitive and innovative retail sector;
- to focus development, especially retail development, in locations where the proximity of businesses facilitates competition from which all consumers are able to benefit and maximises the opportunity to use means of transport other than the car; and
- to ensure the availability of a wide range of shops, employment, services and facilities to which people have easy access by a choice of means of transport.

**27.** When drawing up their development plans, local planning authorities are encouraged to adopt a sequential approach to site selection for new retail development and other key town centre uses, commencing with existing centres and then, if no suitable sites are available, edge-of-centre locations. Only then should out-of-centre proposals be considered. If a developer is proposing an out-of-centre development, the onus will be on him to demonstrate that he has thoroughly assessed all potential town centre and edge-of-centre options.

## ***Rural areas***

**28.** A number of the previous themes come together in considering development in the countryside. Here, the planning system helps to integrate the development necessary to sustain economic activity in rural areas with protection of the countryside. Rural areas can accommodate many forms of development without detriment, if the location and design of development are handled with sensitivity. Building in the open countryside, away from existing settlements or from areas allocated for development in development plans, should be strictly controlled. In areas such as National Parks which are statutorily designated for their landscape, wildlife or historic qualities and in areas of best and most versatile agricultural land, policies give greater priority to restraint.

**29.** Agriculture is the major use of land in the countryside. In accordance with the principles of sustainable development, the best and most versatile agricultural land is a national resource for the future. Considerable weight should be given to protecting such land against development.

**30.** The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Green Belts can shape patterns of urban development at sub-regional and regional scale, and help to ensure that development occurs in locations allocated in development plans. They help to protect the countryside, and they can assist in moving towards more sustainable patterns of urban development.

**31.** Where development is proposed on land adjoining urban areas, its impact on its surroundings and nearby land uses should be considered carefully. In seeking to retain and promote beneficial use of such land, local authorities should have the aims of securing environmental improvement, reducing conflicts between neighbouring land uses and, where appropriate, improving public access.

## ***Conserving the historic environment***

**32.** Just as well-designed, new development can enhance the existing environment, it is fundamental to the Government's policies for environmental stewardship that there should be effective protection for the historic environment. Those aspects of our past which have been identified as being of historic importance are to be valued and protected for their own sake, as a central part of our cultural heritage. Their presence adds to the quality of our lives, by enhancing the familiar and cherished local scene and sustaining the sense of local distinctiveness which is so important an aspect of the character and appearance of our towns, villages and countryside. Their continued use is important if they are to contribute fully to the life of our communities.

## ***Access***

**33.** Proposals for the development of land provide the opportunity to secure a more accessible environment for everyone, including wheelchair users, other people with disabilities, elderly people and those with young children. Local planning authorities, both in development plans and in determining individual planning applications, should take into account access issues. These will include access to and into buildings, and the need for accessible housing. The internal layout of buildings is not normally material to the consideration of planning permission. Part M of Schedule 1 to the Building Regulations 1991 imposes requirements on how non-domestic buildings should be designed and constructed to secure specific objectives for people with disabilities. It would be inappropriate to use planning legislation to impose separate requirements in these areas. The Department is assessing the practicality of extending Part M to cover new dwellings.

**34.** When a new building is proposed, or when planning permission is required for the alteration or change of use of an existing building, the developer and local planning authority should consider the needs of people with disabilities at an early stage in the design process. They should be flexible and imaginative in seeking solutions, taking account of the particular circumstances of each case. Resolving problems by negotiation will always be preferable, but where appropriate the planning authority may impose conditions requiring access provision for people with disabilities. Such conditions should fulfil the tests set out in Circular 11/95.

## **Operational Principles**

### ***Introduction***

**35.** This section of the document looks at various detailed aspects of the way the planning system operates to deliver its overall objectives. The main planning legislation is summarised in Annex C and more detailed advice on a number of procedural issues is set out in Annex D.

### ***Planning obligations and conditions***

**36.** The Government recognises and upholds the rights of property and the privileges of ownership. Owners of land and property properly expect to be able to use or develop their land as they judge best unless the consequences for the environment or the community would be unacceptable. The Government therefore sees control of the right to develop land as a significant power which should be exercised in such a way that individual property owners are allowed to enhance and improve their use of land and buildings. Planning obligations are useful instruments, where they are necessary to the development and fairly and reasonably related in scale and kind, as they can enable a property owner to overcome obstacles which would otherwise prevent planning permission from being granted. Planning obligations should be directly related to the proposed development. Planning permission may not be bought and sold; local planning authorities should not allow their decisions to be affected by the offer of extra inducements; conversely, local planning authorities should not allow their development control powers to be used to require benefits from property owners which do not have land-use planning justification, or are unrelated to the development under consideration.

**37.** In exercising control over development, conditions can be imposed on planning permissions only where there is a clear land-use planning justification for doing so. Generally, conditions should be used in preference to planning obligations, and in a way which is clearly seen to be fair, reasonable and practicable. One key test of whether a particular condition is necessary is if planning permission would have to be refused if the condition were not imposed. Otherwise, such a condition would need special and precise justification. Further advice on the proper use of conditions and planning obligations is contained in DOE Circulars 11/95 and 1/97.

**38.** Unless otherwise specified, a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. Exceptionally, however, the personal circumstances of an occupier, personal hardship, or the difficulties of businesses which are of value to the character of the local community, may be material to the consideration of a planning application. In such circumstances, a permission may be made subject to a condition that it is personal to the applicant. Such arguments will seldom outweigh the more general planning considerations. If the proposed development entails works of a permanent nature they will remain long after the personal circumstances of the applicant have ceased to be material.

### ***The plan-led system***

#### ***Development plans and the determination of planning applications and appeals***

**39.** The planning system regulates the development and use of land in the public interest. The system as a whole, and the preparation of development plans in particular, is the most effective way of reconciling the demand for development and the protection of the environment. Thus it has a key role to play in contributing to the Government's strategy for sustainable development by helping to

provide for necessary development in locations which do not compromise the ability of future generations to meet their needs.

**40.** The Government is committed to a plan-led system of development control. This is given statutory force by section 54A of the 1990 Act. Where an adopted or approved development plan contains relevant policies, section 54A requires that an application for planning permission or an appeal shall be determined in accordance with the plan, unless material considerations indicate otherwise. Conversely, applications which are not in accordance with relevant policies in the plan should not be allowed unless material considerations justify granting a planning permission. Those deciding such planning applications or appeals should always take into account whether the proposed development would cause demonstrable harm to interests of acknowledged importance. In all cases where the development plan is relevant, it will be necessary to decide whether the proposal is in accordance with the plan and then to take into account other material considerations. The status of plans which are not yet adopted or approved is covered in paragraph 48.

**41.** The objectives of the plan-led system can be summarised as:

- ensuring rational and consistent decisions;
- achieving greater certainty;
- securing public involvement in shaping local planning policies;
- facilitating quicker planning decisions; and
- reducing the number of misconceived planning applications and appeals.

Because of the role of the development plan in determining the future location of development, it is important that anyone with an interest in the future pattern of development in the plan area should participate in its preparation and help to influence its emerging policies. Anyone has the right to object to plan proposals prior to their adoption or approval.

**42.** It is essential that plan policies and proposals are realistic and provide for choice and competition. The plan should focus on essential land-use issues and build in a degree of flexibility. Highly detailed policies which provide no flexibility may become outdated very quickly as circumstances change. Such policies may then delay or prevent necessary development. In some cases, the preparation of Supplementary Planning Guidance may be a more appropriate means of covering detailed issues to supplement the policies in plans. Such guidance should be consistent with the policies to which it relates. Supplementary Planning Guidance does not have the same status as an adopted development plan policy and should only be referred to in the reasoned justification for a policy. However, it may be a material consideration in determining planning applications.

**43.** Under the 1990 Act, local planning authorities are required, in formulating the general policies in a structure plan or Part 1 of a unitary development plan, to have regard to any regional and strategic planning guidance and to current national policies. The latter include Planning Policy Guidance Notes (see Annex B), and Minerals Planning Guidance Notes. The 1990 Act requires a local plan to be in general conformity with the structure plan.

**44.** Since the commencement of section 54A, the Secretary of State has been examining development plans carefully to identify whether they are consistent with national and regional planning guidance and whether there are conflicts with the guidance which do not appear to be justified by local circumstances. The Secretary of State is a statutory consultee in the preparation of development plans and can make objections to plan proposals prior to their adoption. He also has

powers of intervention to direct that plan proposals shall be modified before adoption, altered or replaced after adoption, or that all or part of a plan shall be called in for his own determination.

45. Whilst the Secretary of State expects to use his powers of direction sparingly, he will, if necessary, make a formal intervention. Wherever possible, this will be done in time for changes to be made to the plan before adoption. However, where development plans are very close to adoption at the time new information (including guidance) becomes available, it may be preferable to adopt the plan and then to start a review. This would avoid delaying the implementation of proposals not affected by the new information. The authority will then be expected to bring forward early proposals for alteration of the policies concerned. If necessary, the Secretary of State has powers to direct the preparation of proposals for alterations within a specified period. Where he decides not to intervene before adoption and the plan is allowed to proceed on the basis of earlier information, the Secretary of State will nevertheless have regard to more recent planning guidance in determining called-in applications or appeals.

46. It is important that once plans are adopted or approved, they are kept up-to-date. Authorities need to have monitoring arrangements in place in order to decide when they need to bring forward proposals to alter or replace their existing plan. Positive steps should be taken on review to remove policies and proposals which, for varying reasons, have become out-of-date. The choice of locations and sites designated in local plans should be realistic. Sites in existing plans should be reviewed as part of the monitoring process and those which are no longer considered appropriate for their existing or proposed use should be reallocated to other, more realistic uses.

#### **Economic considerations in development plans**

**In preparing development plans, authorities should take account of economic considerations, such as revitalising and broadening the local economy and stimulating employment opportunities. Local planning authorities should have regard to the importance of encouraging industrial and commercial development if the national economy is to prosper, particularly when technological and other requirements of modern business are changing rapidly. All local economies are subject to change and the planning system should make adequate provision for this. Authorities need to take into account the future needs of local business. A flexible approach with a range of sites available to business should be provided in plans, and authorities will want to ensure that in allocating sites there is a reasonable expectation of development proceeding. In rural areas many small-scale activities can be accommodated without detriment to the environment and farm buildings may be suitable for adaptation to business use. It is important that planning policies with primarily economic priorities should provide for choice, flexibility and competition. Otherwise the market is unlikely to work efficiently.**

#### ***Prematurity***

47. Questions of prematurity may arise where a development plan is in preparation or under review, and proposals have been issued for consultation, but the plan has not yet been adopted or approved. In some circumstances, it may be justifiable to refuse planning permission on grounds of prematurity. This may be appropriate in respect of development proposals which are individually so substantial, or whose cumulative effect would be so significant, that to grant permission would prejudice the outcome of the plan process by predetermining decisions about the scale, location or

phasing of new development which ought properly to be taken in the development plan context. A proposal for development which has an impact on only a small area would rarely come into this category; but a refusal might be justifiable where a proposal would have a significant impact on an important settlement, or a substantial area, with an identifiable character. Where there is a phasing policy in the development plan, it may be necessary to refuse planning permission on grounds of prematurity if the policy is to have effect.

**48.** Other than in the circumstances described above, refusal of planning permission on grounds of prematurity will not usually be justified. Planning applications should continue to be considered in the light of current policies. However, account can also be taken of policies in emerging development plans which are going through the statutory procedures towards adoption (or approval). The weight to be attached to such policies depends upon the stage of plan preparation or review, increasing as successive stages are reached. For example:

- where a plan is at the consultation stage, with no early prospect of reaching deposit, then refusal on prematurity grounds would seldom be justified because of the lengthy delay which this would impose in determining the future use of the land in question;
- where a plan has been deposited but no objections have been lodged to relevant policies, then considerable weight may be attached to those policies because of the strong possibility that they will be adopted (or approved) and replace those in the existing plan. The converse may apply if there have been objections to relevant policies. However, much will depend on the nature of those objections and also whether there are representations in support of particular policies;
- where an Inspector has recommended in favour of relevant policies to which objection has been raised, refusal on prematurity grounds is unlikely to be justified for an application which is consistent with these policies.

**49.** Where planning permission is refused on grounds of prematurity, the planning authority will need to demonstrate clearly how the grant of permission for the development concerned would prejudice the outcome of the development plan process.

#### *Other Material Considerations*

**50.** "In principle ... any consideration which relates to the use and development of land is capable of being a planning consideration. Whether a particular consideration falling within that broad class is material in any given case will depend on the circumstances" (*Stringer v MHLG 1971*). Material considerations must be genuine planning considerations, ie they must be related to the purpose of planning legislation, which is to regulate the development and use of land in the public interest. The considerations must also fairly and reasonably relate to the application concerned (*R v Westminster CC ex parte Monahan 1989*). Much will depend on the nature of the application under consideration, the relevant policies in the development plan and the surrounding circumstances.

**51.** The Courts are the arbiters of what constitutes a material consideration. Over the years, the scope of what can be regarded as material has been clarified by judicial authority. All the fundamental factors involved in land-use planning are included, such as the number, size, layout, siting, design and external appearance of buildings and the proposed means of access, together with landscaping, impact on the neighbourhood and the availability of infrastructure.

**52.** The Courts have also held that the Government's statements of planning policy are material considerations which must be taken into account, where relevant, in decisions on planning applications. These statements cannot make irrelevant any matter which is a material consideration in a particular case. But, where such statements indicate the weight that should be given to relevant

considerations, decision-makers must have proper regard to them. If they elect not to follow relevant statements of the Government's planning policy, they must give clear and convincing reasons (*E C Grandsen and Co Ltd v SSE and Gillingham BC 1985*).

**53.** Emerging policies, in the form of draft Departmental Circulars and policy guidance, can be regarded as material considerations, depending on the context. Their very existence may indicate that a relevant policy is under review; and the circumstances which have led to that review may need to be taken into account.

**54.** If the development plan contains material policies or proposals and there are no other material considerations, the application or appeal should be determined in accordance with the development plan. Where there are other material considerations, the development plan should be the starting point, and the other material considerations weighed in reaching a decision. One such consideration will be whether the plan policies are relevant and up-to-date (the age of the plan is not in itself material). Particular policies of the plan may, for example, have been superseded by more recent planning policy guidance issued by the Government.

**55.** In those cases where the development plan is not relevant, for example because the plan does not contain a policy relating to a particular development proposal, or there are material policies in the plan which pull in opposite directions so that the plan does not provide a clear guide for a particular proposal, the planning application or appeal should be determined on its merits in the light of all the material considerations. Where a proposal is not acceptable, decision-makers should state clearly and precisely the full reasons for refusal.

**56.** Local planning authorities may sometimes decide to grant planning permission for development which departs from a development plan if other material considerations indicate that it should proceed. Significant departures must be notified to the Secretary of State so that he can decide whether he wishes to intervene - see the Town and Country Planning (Development Plans and Consultation) Directions 1992 (Annex 3 to Circular 19/92). However, the Secretary of State's general approach is not to interfere with the jurisdiction of local planning authorities unless it is necessary to do so. He will be very selective about calling in applications and will in general only take this step if planning issues of more than local importance are involved (see Annex D, paragraph D7).

### ***Standards in the planning system***

#### *The Citizen's Charter*

**57.** The Citizen's Charter was launched by the Government in 1991 as a ten year programme to raise the standard of public services and make them more responsive to the wishes and needs of their users. The Charter has six principles which apply to all public services:

- standards;
- information and openness;
- choice and consultation;
- courtesy and helpfulness;
- putting things right; and
- giving value for money.

**58.** The planning system has embodied the Charter's principles to a considerable extent for many years allowing, as it does, for public involvement in the process at every level. All planning applications must be publicised by the local planning authority and registers of all planning applications must be available for public inspection. Local inquiries and hearings into planning appeals and called-in applications are held in public and members of the public have an opportunity to express views on the proposed development. Similarly, when appeals are decided on the basis of written representations, planning authorities notify those who made representations to them about the application and it is open to these parties to express their views in writing.

**59.** In 1993, the Government and the National Planning Forum together published "Development Control - A Charter Guide", which provided a model for local planning authorities which wish to make their own Charter commitments on the quality of service which their customers can expect. In 1994, the Department of the Environment, the Welsh Office and the National Planning Forum built on this document by publishing "Planning: Charter Standards". This is aimed at the public and gives a clear statement of the levels of service everyone can expect from central and local government on planning matters. Local planning authorities should seek to improve their services to applicants and the public in line with Charter principles.

#### Speed of operation

Unnecessary delays in the planning system can result in extra costs, wasted capital, delayed production, reduced employment opportunities, and lost income and productivity. The Government and local planning authorities therefore have a responsibility to ensure that delays in preparing development plans, and in determining planning applications and appeals are minimised.

The Government has set local planning authorities the target of deciding 80% of planning applications within 8 weeks. Performance against this target is monitored and the results published on a regular basis. The Audit Commission also requires local authorities to publish certain planning performance indicators.

Targets have also been set for central government. The Planning Inspectorate has been set a series of demanding targets for its main business areas. Where the Secretary of State takes the decision on appeals, he aims to decide 80% of cases within eight weeks of receiving the Inspector's report.

Speed of decision is one factor in the overall quality of service provided by local planning authorities. The Government is concerned that overall quality is maintained and enhanced. Where local authorities are unable to meet the eight week target, they should give the applicant reasons and set a date by which they expect to make a decision. In the few cases where this is not possible, they should explain what still needs to be done and how long this is likely to take.

#### *Propriety*

**60.** The members of the local planning authority are elected to represent the interests of the whole community in planning matters. But when determining planning applications they must take into account any relevant views on planning matters expressed by neighbouring occupiers, local residents and any other third parties along with all other material considerations. However, local opposition or support for a proposal is not in itself a ground for refusing or granting planning

permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.

**61.** It is important that elected members receive open and impartial professional advice from their Planning Officers. Elected members should make planning decisions on the basis of a written officers' report. Councillors should have good reasons, based on land use planning grounds, if they choose to resist such advice.

**62.** A copy of the Audrey Lees report on the operation of the planning system\* was sent by the Department to all English planning authorities. It gives advice on the need to follow proper procedures when dealing with planning applications and contains a summary of the sanctions available to the Secretary of State and others where national policy guidance is ignored.

**63.** All councillors agree to be guided by the National Code of Local Government Conduct when signing their declaration of acceptance of office. The Code sets out recommended standards of conduct in the performance of their duties. In an investigation, the Local Government Ombudsman may find that a breach of the Code by a councillor constitutes maladministration, and he has powers to name the councillor concerned in his report of the investigation.

### ***Private interests***

**64.** The planning system does not exist to protect the private interests of one person against the activities of another, although private interests may coincide with the public interest in some cases. In fact "the public interest ... may require that the interests of individual occupiers should be considered. The protection of individual interests is one aspect, and an important one, of the public interest as a whole" (*Stringer v MHLG 1971*). It can be difficult to distinguish between public and private interests, but this may be necessary on occasion. The basic question is not whether owners and occupiers of neighbouring properties would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. Good neighbourliness and fairness are among the yardsticks against which development proposals can be measured; for example, it might be material to consider the question of overlooking or loss of privacy experienced by a particular resident.

## **Cancellation Of Advice**

**65.** The following advice is hereby cancelled:

PPG1 (March 1992)

DCPN 16 Access for the disabled (1985)

Annex A of PPG12 (see paragraph B2 of Annex B of this guidance note)

## **Annex A: Handling Of Design Issues**

**A1.** Development plans should set out design policies against which development proposals are to be considered. Policies should be based on a proper assessment of the character of the surrounding built and natural environment, and should take account of the defining characteristics of each local area, for example local or regional building traditions and materials. The fact that a design or layout is appropriate for one area does not mean it is appropriate everywhere. Plan policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout and access of new development in relation to neighbouring buildings and the local area more generally.

**A2.** Development plans may refer to supplementary design guidance, including local design guides and site-specific development briefs, which can usefully elucidate and exemplify plan policies, thereby giving greater certainty to all those involved in the design and development process. Where appropriate, such guidance should also explain how relevant general advice, including that relating to the design of roads and footways, is to be interpreted and applied at a local level in order to take account of the character of each area. Supplementary design guidance may usefully include advice about matters such as lighting and materials, where these are likely to have a significant impact on the character or quality of the existing environment.

**A3.** The weight accorded to supplementary design guidance in planning decisions will be expected to increase where it has been prepared in consultation with the public and with those whose work it may affect, and has been formally adopted by the local planning authority. Local planning authorities should include with such guidance a statement of the consultation undertaken and their response to representations made.

**A4.** Applicants for planning permission should, as a minimum, provide a short written statement setting out the design principles adopted as well as illustrative material in plan and elevation. This material should show the wider context and not just the development site and its immediately adjacent buildings. Inclusion of relevant perspective views can also be of value. Such material will be particularly important in relation to complex or large-scale development proposals, and those involving sensitive sites. For straightforward or small-scale proposals, this level of detail is unlikely to be necessary. Instead, illustrative material might simply comprise photographs of the development site and its surroundings, drawings of the proposed design itself and, where appropriate, plans of the proposed layout in relation to neighbouring development and uses.

**A5.** Applicants are encouraged to consult at an early stage with those, including local planning authorities, who may be expected to have a relevant and legitimate interest in the design aspects of their development proposals. Where applicants do so, local planning authorities should respond constructively by giving clear indications of their design expectations. Careful and early consideration of design issues can speed up the planning process by helping to make proposals for development acceptable to local planning authorities and local communities, thereby helping to avoid costly delay later.

**A6.** The use of conditions or planning obligations can be helpful in securing a high quality of design. Where design aspects of an approved development proposal are subject to conditions consistent with the advice in DOE Circular 11/95, or are subject to planning obligations consistent with the advice in DOE Circular 1/97, development which results from the grant of planning permission must comply with the approved design, unless subsequent changes to the design are justified, and are authorised by the local planning authority.

**A7.** In considering the design of proposed new development, local planning authorities, developers and designers should take into account the advice contained in DOE Circular 5/94, "Planning out Crime". In doing so, the approach adopted should be sufficiently flexible to allow solutions to remain sensitive to local circumstances.

Some of the **PPGs** below have been made available in *Adobe Acrobat* format for [downloading](#). The *Adobe Acrobat Reader* can be freely downloaded.

Viewers with visual difficulties may find it useful to investigate services provided to improve the accessibility of Acrobat documents -- <http://access.adobe.com>

## **Annex B: Government Statements Of Planning Policy**

**B1.** The Government's statements of planning policy may be found in White Papers; Planning Policy Guidance Notes (PPGs); Minerals Planning Guidance Notes (MPGs); Regional Planning Guidance Notes (RPGs); Departmental Circulars; and Ministerial statements. PPGs, MPGs and RPGs are now the principal source of policy guidance on planning matters and planning circulars will tend to focus on legislative and procedural matters.

**B2.** The present coverage of the remaining Planning Policy Guidance Notes is as follows.

<b>PPG2</b>	Green Belts
<b>PPG3</b>	Housing
<b>PPG4</b>	Industrial and Commercial Development and Small Firms
<b>PPG5</b>	Simplified Planning Zones ( <i>Adobe Acrobat - 64kb</i> )
<b>PPG6</b>	Town Centres and Retail Developments
<b>PPG7</b>	The Countryside - Environmental Quality and Economic and Social Development
<b>PPG8</b>	Telecommunications
<b>PPG9</b>	Nature Conservation ( <i>To Be Released</i> )
<b>PPG12</b> (See <a href="#">endnote 1</a> )	Development Plans and Regional Planning Guidance
<b>PPG13</b>	Transport
<b>PPG14</b>	Development on Unstable Land ( <i>Adobe Acrobat - 82kb</i> )
<b>PPG15</b>	Planning and the Historic Environment ( <i>Adobe Acrobat - 267kb</i> )
<b>PPG16</b>	Archaeology and Planning
<b>PPG17</b>	Sport and Recreation ( <i>Adobe Acrobat - 69kb</i> )
<b>PPG18</b>	Enforcing Planning Control ( <i>Adobe Acrobat - 24kb</i> )
<b>PPG19</b>	Outdoor Advertisement Control ( <i>Adobe Acrobat - 33kb</i> )
<b>PPG20</b>	Coastal Planning ( <i>Adobe Acrobat - 89kb</i> )
<b>PPG21</b>	Tourism ( <i>Adobe Acrobat - 79kb</i> )
<b>PPG22</b>	Renewable Energy ( <i>Adobe Acrobat - 80kb</i> )

<b>PPG23</b>	Planning and Pollution Control ( <i>Adobe Acrobat</i> - 145kb)
<b>PPG24</b>	Planning and Noise

**B3.** The Department publishes an index of current planning guidance which gives brief summaries of the contents of these Planning Policy Guidance Notes together with the Regional Planning Guidance Notes, Minerals Planning Guidance Notes and other planning advice notes. The latest version of the index was published in June 1995.

**B4.** The Department has also issued a number of good practice guides as follows:

Evaluation of Environmental Information for Planning Projects: A Good Practice Guide. DOE, 1994. ISBN 0-11-753043-3.

Preparation of Environmental Statements for Planning Projects that require Environmental Assessment: A Good Practice Guide. DOE, 1995. ISBN 0-11-753207-x.

Planning for Rural Diversification: A Good Practice Guide. DOE, 1995. ISBN 0-11-753164-2.

Development Plans : A Good Practice Guide. DOE, 1992. ISBN 0-11-752689-4.

Environmental Appraisal of Development Plans : A Good Practice Guide. DOE, 1994.

ISBN 0-11-752866-8.

PPG13 : A Guide to Better Practice. DOE, 1995. ISBN 0-11-753144-8.

### **Endnotes**

1. Some amendments have been made to the Code of Practice on Development Plans, printed as Annex A to PPG12. The current text of the Code is available in the separate booklet, Development Plans - What you need to know which is available free of charge from the Department of the Environment.

## **Annex C: Legislation**

**C1.** The primary legislation governing the planning process is contained in three Acts of Parliament:

the Town and Country Planning Act 1990;  
the Planning (Listed Buildings and Conservation Areas) Act 1990; and  
the Planning (Hazardous Substances) Act 1990.

Each of these Acts has been amended by the Planning and Compensation Act 1991.

**C2.** The main instruments of subordinate legislation are: the Town and Country Planning (General Permitted Development) Order 1995, the Town and Country Planning (General Development Procedure) Order 1995 and the Town and Country Planning (Use Classes) Order 1987; and the Town and Country Planning (Development Plan) Regulations 1991.

**C3.** Planning legislation should not normally be used to secure objectives achievable under other legislation. This principle of non-duplication should normally be maintained even though the powers and duties resulting from the other legislation may also be the concern of local authorities. But even where consent is needed under other legislation, the planning system may have an important part to play, for example in deciding whether the development is appropriate for the particular location. The grant of planning permission does not remove the need to obtain any other consents that may be necessary, nor does it imply that such consents will necessarily be forthcoming. Provided a consideration is material in planning terms, however, it must be taken into account in dealing with a planning application notwithstanding that other machinery may exist for its regulation.

## **Annex D: Other Procedural Issues**

### ***Planning permission***

**D1.** Planning permission is required for any development of land. "Development" is defined in section 55 of the 1990 Act as "the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land". The definition of building operations includes the demolition of buildings. A direction by the Secretaries of State for the Environment and for Wales (Appendix A in Circular 10/95) and provisions in the Town and Country Planning (General Permitted Development) Order 1995 (the GPDO) have the effect that most types of demolition will either not involve development or will be permitted development.

**D2.** Section 55 also provides that certain works and uses do not constitute development under the 1990 Act. These include, inter alia:

- works of maintenance, improvement or other alteration of any building which affect only the interior of a building or which do not materially affect its external appearance;
- the use of buildings or land within the curtilage of a dwelling house for any purpose incidental to the enjoyment of the dwellinghouse as such;
- the use of land for the purpose of agriculture or forestry; and
- change of use of land or buildings from one use to another within the same class of the Town and Country Planning (Use Classes) Order 1987.

**D3.** Moreover, the GPDO grants permission for certain defined classes of development, mainly of a minor character. The most commonly used class permits a wide range of small extensions or alterations to dwelling houses. Further guidance on the GPDO, including the power for permitted development rights to be removed in certain cases by means of a direction, is given in DOE Circular 9/95. Schemes for Enterprise Zones and Simplified Planning Zones (see PPG5) also grant planning permission for developments of types defined in the scheme concerned.

**D4.** Unless otherwise specified, a planning permission runs with the land and it is seldom desirable to provide for any other arrangement. Guidance on personal permissions is given in paragraph 93 of the Annex to DOE Circular 11/95.

**D5.** Currently around 480,000 planning applications are received by local planning authorities in England each year and, on average, between 85 and 90 percent are granted.

### ***Environmental assessment***

**D6.** For certain types of development likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location, applications for planning permission must be accompanied by an environmental statement prepared in accordance with the requirements of the Town and Country Planning (Assessment of Environmental Effects) Regulations 1988. Further information is given in DOE Circular 15/88 and in the Departments booklet Environmental Assessment - A Guide to the Procedures (HMSO, November 1989).

### ***Call in***

**D7.** The Secretary of State may require applications to be referred to him for decision but this call-in power has in recent years only been exercised in around 130 cases each year. The policy of the Secretary of State is to be very selective about calling in planning applications, and such action is generally taken only if planning issues of more than local importance are involved. Examples are applications which raise significant architectural and urban design issues, which could have wide effects beyond their immediate locality, which give rise to substantial national or regional controversy, which may conflict with national policy on important matters, or where the interests of foreign governments may be involved.

### ***Appeals***

**D8.** Applicants who are refused planning permission by a local planning authority, or who are granted permission subject to conditions which they find unacceptable, or who do not have their applications determined within the appropriate period, may appeal to the Secretary of State. Appeals are sent to the Planning Inspectorate (PINS), which is an executive agency of the Department of the Environment and the Welsh Office. PINS currently receive some 15,000 planning appeals a year. In recent years, on average, about one-third of appeals decided each year have been allowed. Advice on planning appeal procedures can be found in DOE Circular 15/96.

### ***Enforcement of planning control***

**D9.** The purpose of the planning enforcement provisions in the 1990 Act is to protect the integrity of the planning system and development control process, by enabling local planning authorities to remedy any harm to amenity or other interest of acknowledged importance which may result from unauthorised development. Whether to take enforcement action and, if so, what action is best suited to the particular circumstances, are matters for the planning authority's discretion.

**D10.** The authority's main enforcement powers are:

- to issue an enforcement notice, stating the required steps to remedy an alleged breach within a time-limit (there is a right of appeal to the Secretary of State against a notice);
- to serve a stop notice which can prohibit, almost immediately any activity to which the accompanying enforcement notice relates (there is no right of appeal to the Secretary of State);
- to serve a breach of condition notice if there is a failure to comply with a condition imposed on a grant of planning permission;
- to apply to the High Court or County Court for an injunction to restrain an actual or apprehended breach of planning control;
- to enter on privately-owned land for enforcement purposes; and
- following the landowner's default, to enter land and carry out the remedial work required by an enforcement notice, and to charge the owner for the costs incurred in doing so.

**D11.** After an enforcement notice has become effective, or at any time after a stop notice has been served, it is a criminal offence not to comply with an enforcement notice's requirements or to contravene the prohibition in a stop notice. The maximum summary penalty on conviction of this offence, in the Magistrates' Court, is 20,000. The same maximum penalty can be imposed subsequently on conviction of a further offence.

### ***The parties' costs in planning appeal proceedings***

**D12.** The principal parties and all "third parties" in planning appeal inquiries and hearings are each normally expected to meet whatever expenses they may incur from participating in the proceedings. The participants should thus have an in-built incentive to choose the cheapest available procedure for pursuing any appeal and to refrain from unnecessarily lengthy or repetitive representations. But there are discretionary arrangements for appeals costs to be awarded where a principal party's "unreasonable" behaviour results in unnecessary or wasted expense to another. Exceptionally, appeal costs may be awarded in favour of, or against, a third party.

**D13.** The purpose of the appeal costs régime is not to reward the "winner" or to penalise the "loser" in a planning appeal: it is to ensure that all parties approach appeal proceedings in a disciplined and cost-conscious way. Costs applications are decided even-handedly, as between appellants and planning authorities. Neither party need fear an award of costs against them provided they behave "reasonably" at all stages of the planning application and appeal. The most frequent example of "unreasonable" behaviour is a failure to substantiate an appeal, or an authority's decision, on the relevant planning grounds in the particular case.

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