

LPA Comments on the Revisions to the NPPF December 2024

Appeal Reference: APP/W0530/W/24/3352058

LPA Planning Reference: 24/02221/PIP

Introduction

This note is submitted on behalf of the LPA in response to the inspector's request for comments on the latest revisions to the NPPF dated December 2024, in relation to the appeal as referenced above. The inspector has invited the LPA to comment on the latest revisions to the NPPF as to whether they have any relevance to this appeal. The purpose of this note is to set out the relevant changes to the NPPF and whether they change any of the points previously raised within the LPA's Statement of Case (SoC), in relation to the reasons for refusal of the planning application.

Relevant Changes to the NPPF – Reason for Refusal No. 1

Firstly, paragraph 153 of the NPPF December 2024 has combined previous paragraph numbers 152 and 153 of the NPPF December 2023, in setting out inappropriate development in the Green Belt. Paragraph 153 of the NPPF December 2024 still clearly sets out the definition of inappropriate development in the Green Belt, however, footnote 55 states '*Other than in the case of development on previously developed land or grey belt land, where development is not inappropriate*'. In this case, the appeal site does not comprise previously developed land, nor is it defined as grey belt land, as it clearly prevents further encroachment and urban sprawl into the countryside and Green Belt, in accordance with the purposes set out under paragraph 143 of the NPPF.

Paragraphs 3.1-3.16 under Section 3 of the LPA's Statement of Case (SoC), addresses the exceptions listed under paragraph 154(e) and (f) of the NPPF. The exceptions listed under paragraph 154(e) and (f) of the previous NPPF remain the same under the NPPF December 2024. In addition, the definition for affordable housing given under Appendix 2: Glossary of the NPPF December 2024 also remains. As such, the points raised in regard these sections of the NPPF are endorsed by the LPA.

Notwithstanding the above, paragraph 155 of the NPPF December 2024 refers to the development of homes not being regarded as inappropriate development, subject to the development complying with all the criteria listed under parts a-d of paragraph 155. These will be addressed in turn below:

- a) '*The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan*' – The site is not considered to constitute grey belt land as it clearly defines the edge of Sawston village and restricts further

encroachment into the countryside and prevent urban sprawl, in accordance with the purposes of Green Belt land listed under paragraph 143(a) and (c) of the NPPF. In the opinion of the LPA, if the proposal was to be allowed, the existing openness of the site would be significantly eroded and would undermine the purpose and role of Green Belt land. As such, the LPA considers the proposal does not accord with criterion a).

- b) *‘There is a demonstrable unmet need for the type of development proposed’⁵⁶* - Footnote 56 states of this paragraph states *‘which, in the case of applications involving the provision of housing, means the lack of a five year supply of deliverable housing sites, including the relevant buffer where applicable, or where the Housing Delivery Tests was below 75% of the housing requirement over the previous three years’* - At present, the LPA can demonstrate a 4.6 Five-Year-Housing Land-Supply (5YHLS), as quoted by the appellant within Appendix 2 of their additional information submitted. The appellant claims that footnote 8 of the NPPF and the presumption in favour of sustainable development is therefore applied as directed by paragraph 11d of the NPPF.

The scale of the 5YHLS shortfall is a material consideration, with the District’s supply gap of 4.6 years in the 2025 to 2030 period (beginning on 01 April 2025 and using the new standard method for calculating supply) being considered relatively small. A new trajectory will be published in April 2025. As such, it is considered that this is only a slight deficit as opposed to a significant deficit and therefore the LPA considers this deficit cannot be given significant weight and should not be a reason to consider the development as not being inappropriate in Green Belt terms. The LPA acknowledges the direction of footnote 8 within paragraph 11(d) of the NPPF, however, considers the role of the site in retaining Green Belt status to be a strong reason for refusal which would otherwise undermine the policies set out within the Framework, as directed by footnote 7 of paragraph 11(d)(i) of the NPPF.

In summary, the LPA considers the proposed development does broadly accord with criterion b) of paragraph 155 however, given the site’s location within the Green Belt, is outweighed by footnote 7 of paragraph 11(d)(i) of the NPPF.

- c) *‘The development would be in a sustainable location, with particular reference to [paragraphs 110 and 115 of this Framework]’⁵⁷* - Footnote 57 refers to traveller sites which doesn’t apply here. The site is located in close proximity to Sawston village but lies outside of the designated village framework boundary and is therefore considered to fall within the open countryside.

Sawston is a Rural Centre, as listed under Policy S/8 of the Local Plan and provides a large range of facilities and services.

A cycleway runs along Babraham Road, to the north-west boundary of the site, connecting Sawston with Babraham village, which lies further to the east of the site. There is also a footpath further to up Babraham Road to the west of the site, as you enter Sawston village, however this terminates at the junction serving the cul-de-sac of houses on the opposite side of Babraham Road.

Paragraph 110 of the NPPF addresses the need to ensure there is a range of transport modes serving new development, in order to reduce congestion and improve air quality and public health. Similarly, Paragraph 115 of the NPPF addresses the need for all applications to ensure that sustainable modes of transport are prioritised, and that all users can easily access the site safely.

Given the close proximity of the site in relation to Sawston village and the existence of the cycleway and nearby footpath, the LPA does consider the site would benefit from sustainable modes of travel, either by cycling or walking, to enable easy access for future occupiers to Sawston village. It is suggested that should the appeal be allowed, a Grampian condition or financial contribution could be sought to extend the footpath and/or provide a pedestrian crossing, to enable the future occupiers of the site to walk into Sawston safely.

Given the location of the site being so close to Sawston village, as well as the existing cycleway along Babraham Road and ability to secure a safer pedestrian access via certain planning mechanisms, the site is considered to be in a sustainable location and is in accordance with the remits of paragraphs 110 and 115 of the NPPF, thus according with criterion c) of paragraph 155.

d) *'Where applicable the development proposed meets the 'Golden Rules' requirements set out in paragraphs 156-157 below.'* – Paragraph 156 of the NPPF states *'Where major development involving the provision of housing is proposed on land released from the Green Belt through plan preparation or review⁵⁸, or on sites in the Green Belt subject to a planning application⁵⁹, the following contributions ('Golden Rules') should be made:*

- a. affordable housing which reflects either: (i) development plan policies produced in accordance with paragraphs 67-68 of this Framework; or (ii) until such policies are in place, the policy set out in paragraph 157 below;*
- b. necessary improvements to local or national infrastructure; and*

c. the provision of new, or improvements to existing, green spaces that are accessible to the public. New residents should be able to access good quality green spaces within a short walk of their home, whether through onsite provision or through access to offsite spaces.'

Firstly, the proposed development does not constitute major development and is instead minor development. Secondly, the site is not intended to be released as Green Belt land through the current Local Plan, nor through the preparation of the new emerging Joint Greater Cambridge Local Plan. Therefore, it is the view of the LPA that paragraph 156 of the NPPF is not relevant and no 'Golden Rules' can be applied in this instance.

Summary of Relevant NPPF Changes – Reason for Refusal No. 1

Whilst it is considered the proposed development would accord with criteria b) and c) of Paragraph 155 of the NPPF, it would be contrary to criteria a) and d). Paragraph 155 states that all criteria (a-d) need to apply in order for the harm identified by inappropriateness to be overcome. Despite the LPA not being able to demonstrate a 5YHLS at the current time, 4.6 years is not considered to be a significant deficit to outweigh the harm which would arise if the appeal was allowed on Green Belt land. Although the site is considered to be in a sustainable location, this alone does not outweigh the value of the site in respect of its purpose in Green Belt terms, which would undermine the policies set out within the Framework. It is therefore the LPA's view that the revisions to the NPPF do not overcome the harm by virtue of inappropriate development by definition, as directed by paragraph 153 of the NPPF.

Relevant Changes to the NPPF – Reason for Refusal No. 2

Reason for refusal No. 2 deals with the location of the site being within the countryside and beyond the village framework boundary of Sawston, which is contrary to the aspirations of policies S/2, S/3, S/6 and S/7 of Local Plan.

Notwithstanding this, the changes to the NPPF December 2024 has resulted in changes to the 'standard method' of calculating local housing need. Cambridge City and South Cambridgeshire District Councils apply a joint 5YHLS requirement reflecting the adopted local plans. As the adopted local plans are more than five years old the requirement is based on the figure provided by the governments' standard method. This has resulted in an increase in housing need figures for Greater Cambridge, rising from 1,726 dwellings per year to 2,309 dwellings per year.

In applying the revised government's standard method, and the new 5% buffer required by the NPPF, this results in a 5YHLS requirement of 12,122 dwellings, which equates to 4.6 years of supply. Therefore, as aforementioned above, the LPA accepts it cannot demonstrate a 5YHLS as required by the NPPF and therefore paragraph 11(d) of the NPPF is engaged.

Paragraph 11(d) applies a 'tilted balance', in respect to the determination of applications, stating that planning permission should be approved '*...unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination*⁹'. Footnote 9 states that '*the policies referred to are those in paragraphs 66 and 84 of chapter 5; 91 of chapter 7; 110 and 115 of chapter 9; 129 of chapter 11; and 135 and 139 of chapter 12*'.

The tilted balance means that in evaluating relevant applications, more weight should be given to paragraph 11(d) and lesser weight to other policies in the balance.

Sustainable Location

In the case of this appeal, the LPA accepts the site is within a sustainable location, as aforementioned above. This is due to the close proximity of the site in relation to Sawston village, as well as the existing cycleway which runs directly along the north west boundary of the site, parallel with Babraham Road. In addition, planning obligations could be secured to extend the footpath which terminates at the junction opposite the site. As such, the proposal is in accordance with paragraphs 110 and 115 of the NPPF and is sustainable.

Effective Use of Land

Paragraph 129 of the NPPF deals with achieving appropriate densities. The total of 9no. dwellings on this site would result in a 12.9dph which is way short of the minimum net density required under Policy H/8 of the Local Plan for housing developments. Whilst a lower density within a countryside location would be more beneficial in limiting countryside harm, the LPA considers this density to be significantly low and would not substantially contribute to the LPA's self build deficit across the District. This emphasises the inappropriateness of the site for development, which should be retained as open countryside and Green Belt land.

Aside from housing, the proposal does include the provision of allotments and a community orchard, which would somewhat provide the future occupiers to use and enjoy, creating a community feel. However, it is understood that these would benefit the occupiers of the site as opposed to wider community.

Given the site is not classed as brownfield land, nor signify any form of redundant uses which are no longer desirable in this location, the LPA considers the proposal does not make effective use of the land and should remain as open countryside and Green Belt.

Securing Well Designed Places

The proposed development was submitted as a Permission in Principle application and therefore the detailed design is yet to come forward for assessment, in order to fully assess the proposal against paragraph 135 of the NPPF. Despite this, an indicative layout was submitted with the application which shows the location of the dwellings, 15.no allotments and a community orchard.

Given the proposal involves self build dwellings, it is anticipated that there could be a mix of external differences in appearance of the dwellings, and therefore any clear design visions are unknown at this stage. The LPA considers that any restrictions on securing specific design criteria would undermine any future purchaser from designing their own home, contrary to the intentions of self build housing. Despite this, the LPA does acknowledge that self build schemes can achieve high quality design and/or outstanding or innovative designs which promote high levels of sustainability, in accordance with paragraph 139 of the NPPF.

Moreover, it is acknowledged the proposal would be able to support walking and cycling modes of transport, which is considered to contribute to delivering a well designed place.

On balance, whilst any future design details are capable of delivering a well designed place, the LPA is not confident that 9no. self build dwellings could be designed within this location to not result in visual harm upon the countryside and indeed erode the openness of the Green Belt.

Provision of Affordable Homes

The proposal does not include the provision of affordable homes as the provision of self build homes does not fall within the definition of Affordable Housing under Appendix 2: Glossary of the NPPF. As such, this cannot be given any weight in the tilted balance in this instance.

Summary of Relevant NPPF Changes – Reason for Refusal No. 2

Whilst the LPA acknowledges the site is within a sustainable location, the proposal is not considered to provide other benefits which would outweigh the harm identified by virtue of eroding open countryside, as reflected within the LPA's reason for refusal no. 2.

Conclusion – The Planning Balance

The scale of the 5 year housing land supply shortfall is a material consideration, with the District's supply gap of 4.6 years in the 2025 to 2030 period (beginning on 01 April 2025 and using the new standard method for

calculating supply) being considered relatively small. A new trajectory will be published in April 2025.

The provision of homes should be given weight in the planning balance, however, given the scale of the shortfall (0.4 years), the LPA considers that this does not attract significant weight in the planning balance. In this instance, the site fulfils the purposes of Green Belt land and therefore the LPA considers this to be a strong reason for refusal as directed by footnote 7 of paragraph 11(d)(i) of the NPPF, which would outweigh any exemption from inappropriate development by definition, as set out within paragraph 153 of the NPPF. In addition, despite the site being within a sustainable location, the proposal does not present significant benefits as outlined within paragraph 11(d) of the NPPF, which would otherwise result in adverse impact upon the countryside and therefore should not be allowed.

The inspector is invited to uphold the original reasons for refusal of the planning application as set out by the LPA and dismiss the appeal.