

Appendix 2 – SHDC Advice (March 2025)

To all Town and Parish Councils.

You will no doubt be aware that the government is in the process of introducing significant changes to the planning system, primarily to increase the delivery of new housing across the country.

An up-date to the National Planning Policy Framework (NPPF) was published in December 2024. Key amongst the changes was a revised Standard Method for calculating Local Housing Need, which has imposed much higher housing need figures for South Hams and West Devon than the current provisions made in the Joint Local Plan. This has clear implications for us as a Local Planning Authority (LPA) and the way that we make decisions, as based on the new housing need figures, neither South Hams nor West Devon can demonstrate a five year supply of deliverable housing sites.

This means that the policies in the development plan (the JLP and 'made' Neighbourhood Plans) most important for determining proposals for housing development are now deemed to be out-of-date. Being in this position, under the *presumption in favour of sustainable development*, the LPA is required to give more weight in decision making to planning proposals that seek to boost the supply of housing, a process known as the 'tilted balance', and is described in the NPPF at para. 11(d).

However, as the NPPF states (para. 12), '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making.*' When read in conjunction with NPPF para. 232, it is clear that adopted development plan policies can continue to be applied in decision making as long as they align with the NPPF when read as a whole.

The NPPF also gives specific guidance (at para.14) in relation to how neighbourhood plans should be applied when considering planning applications that include the provision of housing. This is as follows:

'The adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a. *the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
- b. *the neighbourhood plan contains policies and allocations to meet its identified housing requirement.'*

In instances where neighbourhood plans meet the requirements of 14(a) and 14(b), the policies in the NPs will continue to be applied with full weight, and identified conflicts with the policies are likely to be considered 'significant and demonstrable'. This must be read and understood in conjunction with Para 11(d), and means that in certain instances the tilted balance may not require the LPA to permit proposals for housing, even if there are benefits to boosting housing supply.

An assessment of the current adopted neighbourhood plans indicates that the following NPs meet the above two criteria (and includes NPs that did not have an identified housing requirement to meet, or where the NP area includes JLP housing allocations):

In South Hams: Aveton Gifford, Bigbury, Brixton, Dartmouth, Frogmore & Sherford, Kingsbridge West Alvington & Churchstow, Kingston, Kingswear, Modbury, Ringmore, South Huish, South Milton, Staverton, Strete, Totnes.

In West Devon: Bridestowe & Sourton, Highampton, Milton Abbot Chillaton & Kelly, North Tawton.

The neighbourhood plans not included above are those which were adopted more than five years ago. Of the above, it is only the Bigbury NP which will reach the five year old mark during the course of 2025. NPs that are more than five years old will continue to be applied in decision making as long as the policies are considered to be compliant with the new NPPF. This exercise will be undertaken on a case-by-case basis by officers.

Looking a little further ahead, any neighbourhood plans submitted to the LPA at Regulation 15 stage after 12th March 2025 will need to comply with the new NPPF (Dec. 2024).

I hope that the above explanation of what is a complex issue will be of assistance. The aim of the Teams briefing on 12th March is to help explain the current position and provide an opportunity to ask questions.

If you have any questions in the meantime or after the briefing please contact phil.baker@swdevon.gov.uk or graham.swiss@swdevon.gov.uk

Kind regards,

Graham Swiss | Senior Strategic Planning Officer and Neighbourhood Planning Specialist,
Planning Services

South Hams District Council | West Devon Borough Council

Email: neighbourhoodplan@swdevon.gov.uk

Phone: 01803 861290