

Using a Neighbourhood Plan to Resist Proposed Development

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Landmark Chambers
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Implications of the Question

- NIMBYs?
- NPPF vs the Localism Agenda
- Warping of localism agenda by the well-off and well-housed?
- The Turley study

Embedded materiality



- NDPs are a part of the development plan- s38 of PCAP 2004
- NPPF para 198- Where a planning application conflicts with a neighbourhood plan that has been brought into force, *planning permission should not normally be granted.*
- Position of NPs supported by Dec 2016 WMS

Political support



- Irwin Mitchell study. Secretary of State giving more weight than his Inspectors?
- But Qs arise in relation to the weight to be given to NDPs in the context of the need for housing taking on increasing public importance

Keith Langmead v SSCLG [2017] EWHC 788



- 100 homes south of Ford Lane, Yapton, West Sussex
- SoS refused permission (Sept 2016), disagreeing with the Inspector, giving substantial weight to the NP policy opposing development outside the built-up boundary except in specified circumstances
- Statutory challenge- decision failed to TIA NP Examiner's reservations about the NP
- Lang J held SoS was entitled to conclude in the exercise of his planning judgment that the NP should be upheld as an effective means to shape and direct development in its area, and to place very substantial negative weight on the conflict between the proposal and the relevant NP policy.

Burdell Road, Yapton



- PP granted by SoS for 108 homes (Oct 2017)
- SoS noted a persistent undersupply of housing locally (max 1.9 yrs)
- The OAN, when examined as part of the Local Plan, would be substantially higher than the figure upon which the Yapton NP was based
- Relevant NP policy therefore found to be out of date and carried only limited weight, in contrast to the Ford Lane appeal decision
- NP conflict carried only limited weight due to the 'severe housing shortage' in light of the substantially revised OAN