

Neighbourhood Planning Network

23rd February 2021

Planning Applications in 20/21

All applications: DOWN 1.6%

Majors: DOWN 17%

Minors: DOWN 8%

Others: DOWN 3%

Householder apps: Slow start to 20/21 but now 100+ apps per month

Planning Application Income in 20/21

Application Income: DOWN 28%

Majors Income: DOWN 43%

Housing Delivery Test

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The 19 councils whose housing land supply targets have increased under the 2020 delivery test

22 January 2021 by John Geoghegan

Nineteen councils now have an increased housing land supply target as a result of the government's 2020 delivery test results this week, with the proportion of planned homes they need to add to their five-year pipeline going up from five to 20 per cent.

Housing Delivery Test

The authorities whose housing land supply buffer has increased following the 2020 housing delivery test

Table shows authorities who had a 5 per cent housing land supply buffer following the 2019 housing delivery test, but will now have a 20 per cent buffer

Planning authority	Region	Housing delivery test 2020 measurement	Housing delivery test 2020 consequence	Housing delivery test 2019 measurement	Housing delivery test 2019 consequence
Ashfield	East Midlands	65%	Presumption	95%	None
Bexley	London	81%	20% buffer	130%	None
Bristol, City of	South West	72%	Presumption	87%	Action plan

Housing Delivery Test

National Planning Policy Framework (NPPF) para 11 makes it clear that plans and decision should apply a presumption in favour of sustainable development, with section (c) of this paragraph explaining that development proposals that accord with an up-to-date development plan should be approved without delay. However, section (d) goes on to explain that where there are no relevant development plan policies, or where the policies which are most important for determining the application are out-of-date, planning permission should be granted unless:

- i. the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this NPPF taken as a whole.

Known as the “tilted balance”

Housing Delivery Test

A footnote to para 11 explains that policies are deemed out-of-date in situations where:

- the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in NPPF paragraph 73);
- or where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75%) the housing requirement over the previous 3 years.

Bristol City Council cannot demonstrate a deliverable 5 year housing land supply. This is reinforced by the recent publication of the Government's 2020 HDT results, which show that the Council's housing delivery over the last 3 years amounts to 72% of its requirement

Housing Delivery Test

Court of Appeal's Gladman judgment reaffirms that plan policies trump NPPF's 'tilted balance'

4 February 2021 by Court reporter

The primacy of development plans in the English planning system has been reaffirmed by a Court of Appeal ruling on two appeals by land promoter Gladman, which emphasised that where a council lacks the required five-year housing land supply, this may tilt the balance in favour of proposed residential schemes but it does not render grants of planning permission automatic.

Housing Delivery Test

St Catherine's Place, Bedminster appeal decision:

“However, the fact that policies have to be considered out-of-date does not mean that they can carry no weight. To carry weight, policies must be consistent with the NPPF, as explained in its paragraph 213 which, amongst other things, explains that the closer the policies in the plan are to the policies in the NPPF, the greater the weight that may be given to them. As such, it is perfectly possible for policies which are deemed out-of-date for reasons of an inadequate housing land supply to still carry significant weight”.

“In summary therefore, despite the policies cited in the Council's reason for refusal being deemed out-of-date, I consider that they should still all carry significant weight in the determination of this appeal”.

Appeal dismissed!